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Campaign Finance Law 86

A Summary of State Campaign Finance Laws With Quick Reference Charts

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Federal Election Commission
United States of America

Campaign Finance Law 86

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INTRODUCTION BY THE CLEARINGHOUSE

Campaign finance laws are a fairly recent development on the American legislative scene and are therefore subject to frequent revisions and amendments designed to fine tune them.

In order to help keep people abreast of state campaign finance laws, the Federal Election Commission's **National Clearinghouse on Election Administration** periodically issues this volume entitled **Campaign Finance Law** as an outline summary.

Any summary, by definition, loses information; and in the field of campaign finance law, information not included can sometimes be crucial. Moreover, such a document as this is subject to any number of typographical or other inadvertent errors which could have serious consequences if not verified against original sources. We therefore emphasize to users that **THIS DOCUMENT IS INTENDED ONLY AS A GENERAL REFERENCE TOOL. NO DECISION REGARDING CAMPAIGN FINANCING MATTERS SHOULD BE MADE ON THE BASIS OF THIS DOCUMENT ALONE. SUCH DECISIONS SHOULD BE MADE ONLY AFTER A CAREFUL REVIEW OF THE APPROPRIATE ELECTION LAWS AND/OR CONSULTATION WITH THE APPROPRIATE CAMPAIGN FINANCE LAW ENFORCEMENT AGENCIES.**

Despite its limited intent, we hope that this document proves useful to readers in locating the original documents. To that end, we have provided quick reference charts which, along with the text, include citations to the various state codes.

We encourage those interested in Federal campaign financing provisions, or their relationships to state provisions, to contact the FEC Public Communications Office toll free on (800) 424-9530 or by writing to:

Public Communications Office
Federal Election Commission
Washington, D.C. 20463

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In addition to Messrs. Kimberling and Skelton, the authors wish to thank the many individuals whose support and assistance were crucial to the successful completion of both **Campaign Finance Law 84** and the current, updated edition---**Campaign Finance Law 86**. Nearly three-quarters of the state agencies responsible for the administration and enforcement of state-level campaign finance laws responded to written and telephone requests by both the Federal Election Commission and the authors for assistance and provided copies of state laws and regulations, key court decisions, attorney general and other state agency advisory opinions, reporting forms, and guidance manuals and reviewed and commented on the currency and accuracy of the state law summaries in **Campaign Finance Law 84**. Without access to this information and insight, the **Campaign Finance Law** reports could not have been as complete and accurate as they are.

No publication can be prepared without the behind-the-scenes efforts of a capable support staff. The project word-processing staff worked diligently and skillfully under considerable pressure to produce these reports and deserve special praise: Joan Zielinski, Debbie Weidner, Jan Potter, and Judy Deckard on **Campaign Finance Law 84** and Steffanie Curry, Jean Murphy, Mary Uland, Debbie Weidner, and Cathy Phelps on **Campaign Finance Law 86**. The eagle-eyed proofreaders were Phil Cornwell and Scott Sauer for the 84 report and Joni Shepherd for the 86 update. Pat Pridemore exhibited considerable dexterity in photo-reduction and copy reproduction for both reports. We thank them all.

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PART I

QUICK REFERENCE CHARTS

PART I

QUICK REFERENCE CHARTS

Quick-reference charts are presented in this part of the report and provide a convenient summary of the major provisions of state law concerning campaign finance report filing requirements, contribution, solicitation, and expenditure limitations, and public financing and special tax provisions in effect through December 31, 1985. More complete and detailed information on these topics for each jurisdiction is provided in **Part II: Summaries of State Campaign Finance Law.**

Chart 1: Campaign Finance Report Filing Requirements. This chart presents information on campaign finance reporting requirements in each jurisdiction, with an emphasis on the requirements for reporting or disclosing campaign-related contributions and expenditures. The chart identifies who is required to report ("required from"); the general contents for the reports ("contents"); the time or schedule for filing the reports ("time"); the office or officer with whom the reports are required to be filed ("filed with"); additional campaign finance-related reports that are required to be filed, such as a statement of organization or registration statement, the designation of a campaign treasurer, campaign depository, or principal campaign committee, and a report of independent expenditures ("other reports or statements required"); and the state or local agencies responsible for the administration and enforcement of the campaign finance law in a jurisdiction ("regulatory agency").

Charts 2-A and 2-B: Contribution and Solicitation Limitations. These charts summarize the state law provisions concerning limitations on contributions and the solicitation of contributions. Contribution limitation information includes the restrictions on contributions to particular recipients (e.g., candidates and political committees) in particular types of campaigns or elections (e.g., primary or general election) made by particular types of contributors: individuals, candidates, family members of candidates, corporations, labor unions, separate segregated funds (PACs), banks and savings and loan institutions, regulated industries, governmental officers and employees, and political parties. Special restrictions on particular methods of making contributions are presented: cash contributions, anonymous contributions, and contributions made in the name of another. Limitations on solicitation by governmental officers and employees are also noted.

Charts 3-A and 3-B: Expenditure Limitations. These charts synopsize the major provisions concerning election campaign-related expenditures, including identification of the individuals who may authorize expenditures, the permissible amount of expenditures, and any restrictions on when expenditures may be made, as well as related reporting or filing requirements. The authorized uses for which expenditures may be made, including the personal use of a candidate, his family, or others, transfer to other political committees, investment of campaign contributions and funds, and election day expenses, are arrayed. The law on alternative methods for making expenditues, such as by cash payment or on credit or by credit card, are also presented. A final categoray of "other restrictions" summarizes any special requirements concerning expenditures that are not listed in any other category.

Chart 4: States With Special Tax and Public Financing Provisions. This chart identifies those jurisdictions providing special treatment for political contributions or incentives for such contributions through the personal income taxation process or having special provisions for the public financing or funding of designated candidates or political parties. The special tax provisions included are those permitting an income tax credit or deduction for political contributions, a voluntary checkoff or designation of income tax overpayment or liability for use in public financing of election campaigns, and a voluntary surcharge or increase in taxpayer liability for use in campaign financing. Additional information is provided on the sources of funds for public financing and the distribution of those funds to eligible recipients.

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Alabama	Political committees	Information on all contributions and expenditures. All contributions of more than $10 and expenditures of more than $5 must be itemized.	15 days after primary or runoff and 30 days after any election.	Secretary of State: for statewide and judicial offices, state senate, house of representatives, and district attorney, judge of probate in county of candidate's residence: for state senator or representative and county offices.	Designation of campaign committee (all state candidates).	Secretary of State State Capitol Bldg. Room 105 Montgomery, AL 36130 AC205/261-3124
Alaska	State candidates and municipal candidates in municipalities with more than 1,000 residents; ongoing organizations; a business entity, labor organization or municipality making a contribution or expenditure; "groups" and individuals contributing more than $250/year to any group or candidate; suppliers receiving more than $250 from candidate or group.	Information on all contributions and expenditures. All contributions of more than $100, and all expenditures must be itemized. Suppliers report all transactions aggregating in excess of $250. Contributors of more than $250 must itemize the contributions and make certain statements. Late contributions in excess of $250 must be itemized.	30 days and one week before election, 10 days after election, and annually on Dec. 31 for contributions and expenditures received and not reported that year. Contributions exceeding $250 made within one week before the election must be reported within 24 hours of receipt or expenditure.	Alaska Public Offices Commission, central office	Registration of "groups"; appointments of treasurers; reports by those accepting political contributions who qualify for state tax credit.	Alaska Public Offices Commission 610 C Street Suite 211 Anchorage, AK 99501 AC907/276-4176
Arizona	Candidates, committees, and continuing political organizations	Information on all contributions and expenditures. All contributions of more than $25 and all expenditures must be itemized.	10-15 days before and 20 days after a primary; 10-15 days before and 20 days after a general or special election; supplemental reports annually by April 1 for contributions and expenditures subsequent to post-election reports.	Secretary of State: for state offices and state measures (including state legislature). Clerk of board of supervisors: for judges seeking retention and county offices. City or town clerk: for city or town offices or measures.	Pre-filing agent disclosure; designation of financial agent; annual statements of continuing political organizations; disposal of surplus funds.	Secretary of State Capitol Wing West 1700 W. Washington Phoenix, AZ 85007 AC602/255-4285

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Arkansas	Candidates and persons acting on their behalf receiving contributions in excess of $250 per election from any person for candidates for public office other than a school district, township, county, or municipal office. The threshold is $100 for candidates for a school district, township, or municipal office. An unopposed candidate does not have to file a pre-election report for that election.	Contribution reports must include information on all contributions and itemize all contributions in excess of the threshold amount. Expenditure reports must itemize all expenditures by category.	Contributions reports: 25 (except school district, township, municipal and county offices) and 7 days before and 30 days after each election. Expenditures reports: 30 days after each election. Supplemental reports for expenditures after the compilation date of the post-election report.	Secretary of State and with county clerk of county where candidate resides. School district, municipal, township, and county candidates: county clerk of county in which election is held.		Secretary of State 256 State Capitol Building Little Rock, AR 72201 AC501/371-1010
California	Candidates receiving or expending more than $500 in an election; elected officers; committees, if the committee receives contributions of more than $500 in a calendar year, makes more than $5,000 in contributions at the behest of candidates or other committees, or makes $500 or more in independent expenditures in a calendar year.	Information on all contributions and expenditures. Contributions or expenditures of $100 or more must be itemized.	Semi-annual: July 31 and Jan. 31 (candidates and committees, if they made or received contributions or made expenditures in previous 6 months); elected officers. Periodic: March 22, Sept. 22, 12 days before 1st Tuesday after 1st Mon. in June and Nov. (required only if $500 threshold amount in reporting period is met). Other: 40 and 12 days before the 65th day after election (if election not held on 1st Tues. after 1st Mon. in June or Nov.). Late contributions or indepen-	All officers, candidates, & committees: 2 copies with clerk of county in which domiciled. Statewide officers, candidates and committees also file original and 1 copy with Sec. of State, 2 copies each with registrar of Los Angeles and San Francisco. State legislature, board of equalization, court of appeal and superior court judges also file original and 1 copy w/Secy. of State, 2 copies w/clerk of county with largest number of registered voters in district affected. Additional filing requirements for	Committee organization statements.	Fair Political Practices Commission P.O. Box 807 Sacramento, CA 95804 AC916/322-5901

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
California (continued)			dent expenditures of $1,000 or more must be reported within 48 hours.	other officers, candidates, and committees, as specified.		
Colorado	Candidates; political committees, except those which spend or receive less than $250 in a calendar year and are organized to support or oppose a ballot issue; persons expending more than $100 independently	Information on all contributions and expenditures. Contributions or expenditures during the reporting period in excess of $25 must be itemized. Details of in-kind contributions during the reporting period in excess of $100 by a single contributor must also be disclosed.	Non-municipal elections: 11 days before and 30 days after elections; municipal elections: 11 days before and 30 days after regular elections. Contributions in excess of $500 within 16 days before the election must be reported by the recipient within 48 hrs. after receipt. Supplemental reports are required annually on the anniversary of the elec. until a report shows no unexpended balance or deficit.	Non-municipal elections: either Secretary of State (statewide, legislative, district, or multi-county candidates) or appropriate county clerk and recorder (other officers). Municipal elections: municipal clerk. Non-statewide multi-county issues: county clerk and recorder of each appropriate county.	Candidate's affidavit of familiarity with Campaign Reform Act; committee organization statement.	Secretary of State 1560 Broadway Suite 200 Denver, CO 80202 AC303/866-2762
Connecticut	Candidates, political committees, and party committees spending or receiving more than $500 in any election	Information on all contributions and expenditures. Contributions in excess of $30 and all expenditures must be itemized.	Generally: 2nd Thurs. of Jan., Apr., July, Oct.; 7 days before any election; 45 days after general election; 30 days after a primary. Supp. reports: 7 days after distribution of surplus or, if deficit, 90 days after primary or election and then 30 days after increase or decrease in deficit. State central committees: every Jan. 30, Apr. 10, July 10; 12 days before any election.	Secretary of State; except for municipal political issue committees, with Secretary of State and town clerk; lo- candidates with town clerk.	Designation of campaign treasurer; designation of depositories.	State Elections Enforcement Commission 410 Asylum Street Suite 436 Hartford, CN 06103 AC203/566-7106

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Delaware	Candidates and committees	Information on all contributions and expenditures. Contributions and expenditures in excess of $100 must be itemized.	20 days before election, Dec. 31 of year of election, Dec. 31 of year after election, and annually Dec. 31 until contributions and expenditures are "balanced" and the fund is closed.	State Election Commissioner	Political committee, before accepting contributions or making expenditures, must file list of its members and designate a treasurer with State Election Commissioner. A candidate must immediately report to the State Election Commissioner any attempt to make a contribution or demand an expenditure prohibited by the Act.	State Election Commissioner 101 Court Street Dover, DE 19901 AC302/736-4277
District of Columbia	Candidates spending more than $250 in any one election, political committees, and persons making independent expenditures of $50 or more	Information on all contributions and expenditures. Contributions of $50 or more and expenditures of $10 or more must be itemized.	Each year: Jan. 31, Election years: 10th day of March, June, Aug., Oct., & Dec., and 8 days before an election; Non-election years: July 31. Contributions of $200 or more received after the closing date for last pre-election report must be reported within 24 hours.	Director of Campaign Finance	Registration statements; designation of depositories.	Director of Campaign Finance Landsburg Building Suite 340 420 7th St., N.W. Washington, DC 20004 AC202/727-2410 District of Columbia Board of Elections and Ethics
Florida	Candidates; political committees; committees of continuous existence; political party executive committees; and persons making independent expenditures of $100 or more; unless no funds have been received, contributions made, or reportable funds expended during the reporting period.	Information on all contributions and expenditures. Contributions of $100 or more and each expenditure must be itemized. Credit card purchases must be fully disclosed.	By the 10th day of each calendar quarter after treasurer is appointed through last day of qualifying for office; on the 4th, 18th, and 32nd days preceding the first and second primaries, & on the 4th and 18th days immediately preceding the general election for an unopposed candidate.	Candidates: officer before whom candidate qualifies with copy to supervisor of elections in candidate's county of residence for other than statewide candidates. Committees: Division of Elections (statewide election and committee of continuous existence); supervisor of elections in	Organization statements; designation of treasurer; designation of depositories; annual reports; pre-advertisement endorsement statements; testimonial affair statements.	Florida Elections Commission Secretary of State The Capitol Room 1801 Tallahassee, FL 32301 AC904/488-3680

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Florida (continued)			Any candidate must file 90 days after the date the candidate became unopposed, eliminated, or elected. Office account reports are required on the 10th day following each calendar quarter if the account shows an unexpended balance of contributions.	each county for municipal offices and issues.		
Georgia	Candidates and committees; individuals, partnerships, labor organizations, corporations, or associations accepting or making contributions or making expenditures on behalf of a candidate	Information on all contributions and expenditures. All contributions or expenditures of $101 or more must be itemized.	45 & 15 days before and 10 days after primary; 15 days before general or special election; 6 days before general and nonpartisan runoff elections, and Dec. 31 of election year; annually on Dec. 31 for winning candidates with additional contributions or expenditures since filing post-election report.	Secy. of State with copy by state office candidate to probate judge or superintendent of elections in candidate's county of residence. County & justice of the peace candidates: county probate judge or superintendent of elections. Municipal cands.: municipal clerk or chief executive officer.	Designations of committee officers; candidate affidavit that he will not violate law; reports of contributions made and received by General Assembly member during legislative sessions.	State Campaign and Financial Disclosure Commission 2082 E. Exchange Place, Suite 235 Tucker, GA 30084 AC404/493-5795
Hawaii	Candidates, parties, and committees	Information on all contributions and expenditures. All contributions of more than $100 must be itemized.	10 working days before each election; 20 days after primary; 30 days after a general or special election. Supplemental reports in the event of surplus or deficit over $250 are filed on the 5th day after last day of election year and every 6 months thereafter.	Original and one copy with Campaign Spending Commission. In counties of less than 200,000 voters, file original and two copies with either Commission or clerk in county where candidate resides.	Organization statements; designation of treasurer & depository; desig. of responsible central comm.; disp. of residual funds; affidavit of comp. with expenditure limits; affidavit for tax deduction purposes; anonymous contributions; fund raisers; public financing compliance report.	Campaign Spending Commission State Capitol Room 008 Honolulu, HI 96813 AC808/548-5411

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Idaho	Candidates; political committees; organizations which contribute more than $500 to a political committee; and any person who makes an expenditure of more than $50	Information on all contributions and expenditures. All contributions of more than $50 and expenditures of more than $25 must be itemized.	By 7 days before and 30 days after election (only losing candidates and comms. after primary). Supplemental reports in the event of an unexpended balance or expenditure deficit are filed annually on the 10th day of Jan., Apr., July, & October.	Secretary of State	Designation of political treasurer; individual making independent expenditures; political parties reports of qualified expenditures; statement of absence of contributions or expenditures in reporting period.	Secretary of State 203 State House Boise, ID 83720 AC208/334-2300
Illinois	Treasurers of state political committees and local political committees		Reports of campaign contributions: 15 days before each election (including a primary) and 90 days after each election (other than a primary). Annual reports of contributions and expenditures: July 31.	State political committees, with the State Board of Elections; local political committees, w/the county clerk. Pol. comm. that acts as state and local pol. committee must file copy w/county clerk.	Organization statements by state & local pol. comm. and pol. comm., acting as both state and local pol. comm.; designation of chairman and treasurer; large contributions 30 days before election.	State Board of Elections P.O. Box 4187 Springfield, IL 62708 AC217/782-4141
Indiana	Political committees and any person making an independent expenditure	Information on all contributions and expenditures. All contributions and expenditures of $100 ($200 in the case of a political party committee) or more must be itemized.	10 days (postmarked) or 8 days (hand-delivered) before election or convention; 20 days after convention (if no pre-convention report filed); annually by Jan. 15 (pol. party comm., March 2).	State Election Board; but local cands. and comm., county election bd. of each county in district. Assembly cands. and committees file duplicate w/bd. of candidate's county of residence.	Organization statements; designation of candidate's principal committee and officers; candidate statements; committee final reports.	State Election Board 850 N. Meridian St. Indianapolis, IN 46204 AC317/232-3939 County election boards
Iowa	Candidates and committees receiving contributions or making expenditures in excess of $250	Information on all contributions and expenditures. All contributions must be itemized if they exceed: $200 for any comm. of a nat. pol. party or state statutory pol. committee; $100 for any congressional candidate; $50 for	Reports from committees for municipal and school offices: 5 days before election and the first of the month thereafter. Reports from other committees: Jan. 20, May 20, July 20, and Oct. 20 each year, but in	Statewide office: Campaign Finance Disclosure Comm.; county, city, or sch. office: county elec. comm.; state statutory political comm.: Commission; other stat. pol. comm.: county election commissioner & copy to Commission.	Organization statements; special reporting deadlines established for special elections; dissolution report.	Campaign Finance Disclosure Commission 507 10th Street 5th Floor Des Moines, IA 50309 AC512/281-4411

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Iowa (continued)		any county statutory political committee or other political comm.; or $25 for any other office. All expenditures in excess of $5 must be itemized.	years in which the candidate does not stand for election the May and July reports are not required of a candidate committee.			
Kansas	Candidates; political committees; party committees; persons making independent expenditures of more than $100	Information on all contributions and expenditures. Contributions and expenditures of $50 or more must be itemized.	6 days before elections and Dec. 10 of an election year.	Secretary of State	Designation of treasurer or cand. comm. by cand.; statements of organization by party comm. and pol. comm.; treasurer report of campaign debts and obligations. Out-of-state comm.; businesses and organizations; termination reports; affidavits concerning expected contributions and expenditures in lieu of campaign finance statements.	Public Disclosure Commission 109 W. Ninth Topeka, KS 66612 AC913/296-4219
Kentucky	Candidates; campaign committees; permanent committees; political party executive committees	Information on all contributions and expenditures. Contributions of more than $100 and expenditures of more than $50 must be itemized.	Candidates & campaign comm.: 32nd day before an election, 12th day before an election & 30 days after an election. Candidates have 5 days from filing deadline to file with the Registry. Party exec. comm.: 30 days after an elec. Permanent comm.: last day of each calendar qtr. Semiannual supplemental reports required June 30 & Dec. 31 until fund shows a zero balance.	Kentucky Registry of Election Finance. Duplicates with clerk in county where candidate resides. Campaign committee files with appropriate central campaign committees.	Committee organization statements; candidates designation of campaign treasurer; designation of depositories; designation of central campaign committees; political party tax fund expenditure report.	Kentucky Registry of Election Finance 1604 Louisville Rd. Frankfort, KY 40601 AC502/564-2226

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Louisiana	Candidates for major or district office; candidates for other office who receive contributions of more than $250 from any one source or make expenditures of more than $5,000; political committees; any person not a candidate who makes independent expenditures or accepts contributions other than to or from a candidate or committee in excess of $500	Information on all contributions and expenditures. Contributions of more than $1,000 to major office candidates, $500 to district office candidates, or $250 to other candidates must be itemized. Expenditures by these committees in such amounts must also be itemized. Certain categories of expenditures must also be itemized, as must expenditures of more than $200 to any candidate, committee, or person required to report and who makes endorsements.	Cands. and comm.: 180th, 90th, 30th & 10th day before the primary; 10th day before the general election and 40th day after annual reports to be filed by Jan. 15 until deficit is fully paid; annual report on Jan. 15 if the cand. or comm. has received contrib. or made expend. during the yr. A special report is required w/in 48 hrs. after receipt of a contrib. of more than twice the reporting amt., or a candidate's expend. of more than $200 to any cand., comm., or other person required to file disclosure reports who makes endorsements during pd. from 20 days before any election thru election day.	Supervisory Committee; for non-major office candidates, a copy is to be filed with the clerk of the court of the parish of domicile of the candidate or committee. Orleans parish reports are filed w/the Clerk of the Criminal District Court Judge of Orleans Parish.	Committee organization statements, including designation of officers & depository; statement of dissolution; out-of-state pol. comm. reports; affidavit in lieu of report for major or district office candidates.	Supervisory Committee Secretary of State State Capitol P.O. Box 94125 Baton Rouge, LA 70804-9125 AC504/342-5710
Maine	Candidates; political committees; state party committees; political action committees; persons making independent expenditures in excess of $50	Information on all contributions and expenditures. Contributions and expenditures in excess of $500 must be itemized. Independent expenditures in excess of $50 must be itemized.	7 days before and 42 days after each election; gubernatorial candidates also file Jan. 15 after non-election years if they received or spent in excess of $1,000 in that year and 42 days before each election. All: disposition of surplus or deficit in excess of $50, on 1st day of the qtr. of state's fiscal yr.	Commission on Governmental Ethics and Election Practices	Designation of treasurer and officers by candidates, political committees, and political action committees. Reports of contributions or expenditures of $1,000 or more made after the 11th day and before 48 hours prior to any election.	Commission on Governmental Ethics and Election Practices State Office Bldg. Station 101 Augusta, ME 04333 AC207/289-3501

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Maryland	Candidates receiving contributions or making expenditures of $300 or more; pol. committees; party central committees; political clubs spending more than $50	Information on all contributions and expenditures.	4th Tuesday before primary; 2nd Friday before any election; earlier of the 3rd Tues. after gen. elec. or before taking office. If there is a surplus or deficit, 6 months after the gen. elec. & again one year after the elec. and annually on the anniversary of the elec. until the surplus or deficit is eliminated. Central and continuing comm. also file annually on the date of the last general election.	Candidates file w/ board at which candidate filed certificate of candidacy. State & local central committees & all other comm.: with the county "board" at which candidate filed certificate of candidacy and w/ State Administrative Board of Election Laws, if candidate filed certificate of candidacy there.	Designation of campaign treasurer, and committee chairman and treasurer; governmental contractors' statements disclosing political contributions; designation of depositories.	State Administrative Board of Election Laws P.O. Box 231 Annapolis, MD 21404-0231 AC301/269-3711
Massachusetts	Candidates and political committees	Information on all contributions and expenditures. Contributions of more than $15 to General Assembly candidates or $25 to candidates for other than non-city or town offices and political committee expenditures of similar amounts must be itemized.	Candidates for Gen. Assembly: 8 days before primary, 8 days before general election, & Jan. 10 of year after general election. Candidates for other than non-city or town offices & pol. comm.: 3rd business day after designating depository & Jan. 10 of year after general elec.	City or town candidates and committees: with city or town clerk; others: with Director of Campaign and Political Finance.	Political committee organization statements; designation of political committee treasurers; designation of depositories; reports by cashiers of depositories; dissolution reports.	Office of Campaign and Political Finance One Ashburton Place Room 1004 Boston, MA 02108 AC617/727-8352
Michigan	Candidates, political committees, and party committees; persons making independent expenditures of $100 or more	Information on all contributions and expenditures. Contributions of more than $20 or expenditures of more than $50 must be itemized.	Committees supporting or opposing cands.: 11 days befor & 30 days after election; committees other than independent committees not later than Jan. 31 of each yr. A contribution of $200 or more received after the	Candidates for state elective office or judicial office and of all political party committees: Secretary of State; candidates for local office file with the county clerk.	Comm. organizational statements; candidate comm. designations w/designation of treas.; design. of depository; comm. dissolution stmts.; out-of-state contributions; repts. from contributors to recipients (record-	Secretary of State P.O. Box 20126 Lansing, MI 48901 AC517/373-2540

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Michigan (continued)			closing date of a pre-election campaign statement but before the 2nd day prior to the election must be reported within 48 hours.		keeping); verification stmts.; late contributions; gubernatorial candidates receiving public funding, organization statements.	
Minnesota	Candidates, party committees, political committees, and persons making independent expenditures of over $100	Information on all contributions and expenditures. Contributions of more than $100 to statewide candidates ($50 for legislative candidates) & expenditures of more than $100 must be itemized.	Candidates for statewide, legislative, and high court offices: 10 days before a primary & general election & Jan. 31 annually. Any contribution to a statewide candidate of $2,000 or more or $200 to any legislative county or district court candidate received between the closing date of the last pre-election report and the election must be reported within 48 hrs. after receipt.	Ethical Practices Board; bd. files a duplicate of legislative candidate reports w/the auditor in each county of the district.	Organization stmts. for political committees; designation of principal campaign committee; termination statements; corporate expenditures or contributions in excess of $100 for specified political activities; candidates' statements prior to receiving public funds.	Ethical Practices Board 41 State Office Building St. Paul, MN 55155 AC612/296-5148
Mississippi	Candidates and political committees	Reports of contributions must list the name of each person who contributed $500 or more to a candidate for statewide or supreme court district-level office & the amount contributed ($200 or more for other candidates). Reports of expenditures must itemize each expenditure in excess of $250.	Statements of contributions: 5th day of each month of candidacy and Sat. before an election. Statements of expenditures: 60 days after the "election." Expenditure reports from candidates, within 60 days after election; from committees, within 30 days after election.	State office candidates and committees: with the Secretary of State; others: with the appropriate circuit clerks.	Affidavits regarding familiarity with the law; affidavits by candidates who receive no reportable contributions or make no reportable expenditures; statements by candidates that they have not received free services from certain regulated industries.	Secretary of State State Capitol P.O. Box 136 Jackson, MS 39205 AC601/359-1350

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Missouri	Committees; candidates who spend or receive more than $1,000 or receive a single contribution of more than $250; persons making independent expenditures of $500 or more	Information on all contributions and expenditures. Contributions and expenditures of more than $100 must be itemized.	40th & 7th days before & 30th day after election w/minor except. Contributions of more than $1,000 rcvd by a statewide office candidate ($500 for any other committee) after the closing date of the last pre-election disclosure report but before election day must be reported within 48 hrs. after receipt. Supplemental reports are required each Jan. 15 if contributions or expenditures of $500 or more were made or received since the last report. A supplemental qtrly. report is also required if post-election report shows outstanding debts of more than $500. This report must be filed until the deficit is less than $500.	Secretary of State for statewide office candidates and committees and candidates for the Supreme Court or Appellate Court. Candidates for legislative office, circuit court, and county clerk file with the Secretary of State and election authority of candidate's place of residence. Varied requirements for other candidates.	Organization statement; termination statement; appointment of campaign treasurer and principal campaign committee; out-of-state committee statement; exemption statement for a reporting period.	Secretary of State P.O. Box 778 Jefferson City, MO 65102 AC314/751-2379 Campaign Finance Review Board
Montana	Candidates and political committees (except in school district elections)	Information on contributions, expenditures, loans, debts, and obligations. Itemization of aggregate contributions of $25 or more, sources of transfers of funds, loans, fund-raising proceeds of less than $25 from a person, persons receiving expendi-	Statewide office candidates & related pol. comm.: March 10th & Sept. 10th in an election yr.; 15 & 25 days before an election; not more than 20 days after election; March 10th & Sept 10th of ea. yr. following an election until closing statement	Commissioner of Political Practices and county clerk and recorder where candidate is resident or pol. comm. has headquarters.	Certification of campaign treasurer and deputy campaign treasurers; designation of primary campaign depository and secondary campaign depository; record of all disbursements of public campaign fund monies by governor-lieutenant governor and supreme court	Office of Political Practices 1205 8th Avenue Helena, MT 59620 AC406/444-2942

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Montana (continued)		tures, and recipients of transfers of funds and loans.	filed. State district office candidates & related pol. comm.: 10th day before election, not more than 20 days after election and when closing report filed. Other public office candidates & related pol. comm.: same as for state dist. office if contributions or expenditures exceed $500. Rept. required for all candidates & related pol. comm. w/i 24 hrs. if contribution of $500 or more received for statewide office or $100 for state dist. office. Independent committee: 10th day before election, not more than 20 days after election & when closing report at end of calendar yr. is due.		nominees.	
Nebraska	Candidate committees, political party committees, independent committees, and ballot question committees after receipt of contributions or making expenditures over $1,000.	Non-party committees: information on contributions & expenditures, incl. itemization of contribusions & expenditures over $100. Party comm.: information on contributions and expenditures, including itemization of contributions over $100 and all expenditures.	By 30th day and 10th day before election & 40th day after election. Annual statement required by June 1st if received or expended more than $1,000 from May 2nd of one yr. thru May 1st of next yr. and did not file a campaign report for an election during the filing period for the annual report.	Nebraska Accountability and Disclosure Commission. Copies of statements to be filed with election commissioner or county clerk, as appropriate, depending on the type of committee.	Committee statement of organization; committee statement of dissolution; candidate statement of financial interests; report of independent expenditures over $100; report of expenditures and personal services by corporation, labor organization, or industry, trade, or professional associa-	Nebraska Accountability and Disclosure Commission P.O. Box 95086 Lincoln, NB 68509 AC402/471-2522

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Nebraska (continued)			Report of contribution of $500 or more received after 14th day before election is required to be filed w/i 5 days after receipt.		tion.	
Nevada	Candidates and non-candidate persons, including political party committees and political action committees, that make candidate-related expenditures of over $500	Candidates: information on campaign contributions and expenses, including itemization of cumulative contributions of over $500. Non-candidate persons: cumulative expenditures over $500.	15 days before primary, 15 days before general election, and 30 days after gen. elec. 30 days after special recall elec. For special district office elec.: 15 days before and 30 days after election.	Candidates: officer with whom candidate filed declaration of candidacy or acceptance of candidacy. Non-candidate persons: if candi- is elected from one county, with county clerk; otherwise, with secretary of state.		Secretary of State Capitol Complex Carson City, NV 89710 AC702/885-5203
New Hampshire	Candidates for governor, councilor, state senator, representative to general court, and county office and political committees (including political party committees) whose expenditures exceed $500	Information on receipts and expenditures, including itemization of receipts over $25 and all expenditures.	Wednesday 3 weeks before election; Wednesday before election; and 2nd Friday after election. Every 6 months after election until obligations satisfied or surplus depleted. Notice of a contribution of more than $500 received after 2nd statement due is to be filed within 24 hours.	Secretary of State	Non-party political committee registration statement; candidate consent to political committee; designation of fiscal agent by certain candidates.	Secretary of State State House Concord, NH 03301 AC603/271-3242 Attorney General
New Jersey	Candidates, political committees & continuing political committees (including political party committees). Reports are not required if the total amount expended on behalf of a candidacy does not exceed $2,000; however, aggregate contributions over	Moneys, loans, paid personal services, or other things of value contributed & expenditures paid, including itemization of contributions over $100.	Candidates and political committees: 29th day & 11th day before election and 20th day after election; and if post-election report is not the final report, every 60 days starting with the 19th day after the election, until certification of winding up of	New Jersey Election Law Enforcement Commission. In case of candidates for municipal, countywide, or school district office, a copy is filed with the county clerk of county of candidate's residence.	Candidate statement that amount to be expended on behalf of his candidacy will not exceed $2,000; appointment of campaign treasurer and deputy treasurers; designation of campaign depositories; certification by potential pol. comm. for determination	Election Law Enforcement Commission 28 W. State Street Suite 1215 Trenton, NJ 08608 AC609/292-8700

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
New Jersey (continued)	$100 must be reported by a candidate. A school district office candidate is generally exempted. Other reporting exemptions are provided for political comm. and continu- political comm.		business (final report) is filed. Continuing political committees: by April 15th, July 15th, Oct. 15th & Jan. 15th of ea. calendar yr. Aggregate contributions and expenditures or testimonial affair or public solicitation proceeds over $100 to be reported w/i 20 days after $100 aggregate exceeded, starting w/19th day after election. Single-source contribution of $250 or more rcvd. by a con. pol. comm. after final day of qtr. report period & on or before election day, report w/i 48 hrs. Single-source contribution of $250 or more rcvd. by a candidate or pol. comm. between the, 13th day & election day, report w/i 48 hrs.		by commission as to status; authorization of pol. comm. or cont. pol. comm. as agent of candidate for reporting purposes; certification by a cont. pol. comm. that expenditures in a calendar yr. will not exceed $1,000 (by Jan. 15th & July 15th); candidate financial disclosure statement for certain offices; final report --certification of winding up of business after election; report of independent expenditures in an aggregate of over $1,000 (candidate) or $2,500 (public question); report of authorized solicitation with net proceeds over $100 to treasurer; report of independent public solicitation with gross contributions exceeding $100 for election to treasurer or commission; notification to candidate of expenditures on his behalf.	
New Mexico	Candidates who anticipate receiving or expending $500 or more, special purpose political committees, and general purpose political committees.	Itemization of expenditures and contributions.	Candidates and special purpose political committees: by 10 days before and 30 days after an election; 6 months after an election if contributions	Secretary of State: statewide elective offices, judicial offices (except magistrates), and multi-county district offices. County clerk: coun-	Candidate statement of anticipated receipts or expenditures of less than $500.	Secretary of State Executive-Legislative Building Suite 400 Santa Fe, NM 87503 AC505/8271-3621

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
New Mexico (continued)			remain unexpended or debts unpaid and every 12 months after an election as long as unpaid debts remain. General purpose committees: by 10 days before and 30 days after an election.	ty elective offices, magistrates, and single-county state legislative offices. Special purpose political committees involved with constitutional amendments or questions and all general purpose political committees file with the Secretary of State.		
New York	Candidates and political committees; however, filing is not required for candidates or their authorized political committees (1) that do not expend more than $50 in a calendar year or $1,000 in a reporting period, (2) before an uncontested primary election, or (3) for an election in a city, town, or village of less than 10,000 unless total receipts or expenditures exceed $1,000.	Information on receipts and expenditures, including an itemization of aggregate contributions of $100 or more and expenditures of $50 or more.	Primary election: 32nd & 11th day before and 10th day after contested primary election. Runoff primary: 4th day before & 10th day after primary. General election: 32nd & 11th day before and 27th day after the election. Periodic statements are also required by 15th day of January and July in each subsequent yr. until activities terminated. Contributions of more than $1,000 received after close of pre-election filing period must be reported within 24 hours of receipt.	Candidates: presidential electors, state executive or legislative offices, supreme ct. justices, constitutional convention delegates & multi-county party positions (if not wholly w/i N.Y. City), w/St. Bd. of Elections; other public offices (except village office & party positions in single county or N.Y. City, w/city or county bd. of elections, as appropriate; and village office if election not on general election day, with village clerk or if on general election day, with county bd. of elections. Political committees: w/ State Bd. of Elections, except committees taking part solely in an election for a candidate required to	Candidate or authorized political committee statement that neither receipts nor expenditures will exceed $1,000 during a reporting period in lieu of a statement of receipts and expenditures; designation of political committee treasurer and depository; statement of receipts and expenditures by political committee treasurer upon resignation; accounting by agent of political committee or candidate; political committee authorization statement.	State Board of Elections P.O. Box 4 Albany, NY 12260 AC518/474-8200

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
New York (continued)				file w/local bd. of elec. are also required to file w/ local bd. County pol. party committees file w/the county bd. of elec. Committees are required to file copies w/other bds. in certain instances.		
North Carolina	Candidates, political committees, referendum committees, and individuals making independent contributions or expenditures of over $100; however, candidates for municipal and county offices in municipalities and counties under 50,000 are not required to file reports.	Information on contributions, expenditures, and loans, including an itemization of contributions over $100, media expenses, and non-media expenses over $50.	Primary election: by 10th day before primary (& 10th day after primary if candidate was eliminated); if there is a 2nd primary, by the 10th day after the primary if the candidate was eliminated. General election: by 10th day before election. Annual report if contributions received or expenditures made during the calendar year for which no reports are otherwise required, by January 7th of following year. Candidates and political committees in elections in municipalities over 50,000 must submit reports according to the schedule for the particular method under which the election is conducted. Individuals making independent contributions or expendi-	State Board of Elections: candidates, political committees, and persons making independent contributions or expenditures over $100 w/ respect to candidates for state and multi-county offices and referendum comm. with respect to statewide referenda. County bd. of elections: candidates, political committees, and persons making independent contributions or expenditures over $100 w/ respect to candidates for single-county district, county, and municipal offices.	Organizational reports for candidates, political committees and referendum committees; statement of no contributions w/i a reporting period; annual report of state election campaign fund expenditures.	State Board of Elections P.O. Box 1166 Raleigh, NC 27602 AC519/733-7218 County boards of elections

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
North Carolina (continued)			tures of over $100 must report w/i 10 days after the contribution or expenditure is made.			
North Dakota	Candidates for statewide or legislative office who receive more than $100 during a calendar year; political parties that receive contributions of more than $100 and contribute money to a statewide or legislative office candidate of more than $100; and political committees administering separate segregated funds.	Candidates: an itemization of aggregate contributions received of over $100. Political parties: contribution and expenditure information. Political committees: an itemization of contributions received and disbursements made aggregating over $100.	Candidates: by 10th day before an election and January 30th of following calendar year. Supplemental statement for a contribution of $500 or more received in 15-day period before an election must be filed w/i 48 hours. Political parties: by January 30th. Political committees: by Oct. 15th w/supplemental statement by Jan. 30th.	Secretary of State: state office candidates, political committees & political parties. State legislative office candidates file with the county auditor in the candidate's county of residence.		Secretary of State State Capitol First Floor Bismarck, ND 58505 AC701/224-2900
Ohio	Candidate campaign committees, political committees, and political parties	Itemization of contributions and expenditures, except contributions of $25 or less from a person at one social or fund-raising activity.	12th day before & 45th day after an election; an annual statement on the last business day of November except in year post-election statement is filed or when there are no obligations, balance on hand, contributions, or expenditures.	Secretary of State: statewide office and state board of education office. County board of elections: offices within county and multi-county district offices (file in county with greatest population).	Statement of no contributions and expenditures by a candidate's campaign committee; appointment of campaign treasurer and deputy treasurers; statement of contributions and expenditures in connection with proposition or issue; statement of consideration for the circulation of an initiative or referendum petition; candidate personal financial statement; statement of termination of a candidate's campaign committee or political committee; affidavit of	Secretary of State 30 E. Broad Street 14th Floor Columbus, OH 43216 AC614/466-2655

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Ohio (continued)					no political contributions by corporation or public utility; appointment of judicial candidate campaign treasurer (file also w/clerk of ct).	
Oklahoma	Candidates, political parties, and organizations	Contribution and expenditure information, including an itemization of aggregate contributions over $200.	10th day before primary or special election, 10th day before general election & 40th day after general election. Supplemental report if contributions received or expenditures made within 6 months after general election to be filed w/i 6 months & 10 days after election & every 6 months thereafter if contributions received or expenditures made.	State Election Board: candidates who file declarations of candidacy with State Board. Appropriate county election board: candidates who file declarations of candidacy with county board.	Designation of agent and subagents by candidate or political party; candidate financial disclosure.	State Election Board State Capitol Room 3-B P.O. Box 53156 Oklahoma City, OK 73152 AC405/521-2391
Oregon	Candidates (or their principal campaign committees) and political committees	Contribution and expenditure information, including an itemization of aggregate contribution of more than $50 ($100 for a statewide office candidate or political committee supporting or opposing only a statewide office candidate or measure) and expenditures of $100 or more.	29-39 days and 4-7 before election & 30 days after election. If $500 in contributions received after 8th day and before the day preceding the election, a pre-election supplemental statement is due on the day before the election. If the post-election statement shows unexpended balance of contributions or expenditure deficit, a post-election sup-	Secretary of State: statewide office & congressional district office. County clerk: noncity office w/i a county. County clerk in county where the chief administrative officer is located: multicounty district office. Chief city election officer: city office.	Certification that neither aggregate contributions nor aggregate expenditures will exceed $500; statement of independent expenditures on behalf of or in opposition to a candidate by a person or political committee; certificate of candidate or pol. comm. treasurer; pol. comm. statement of organization; statement by sponsors of an initiative, referendum, or recall	Secretary of State 141 State Capitol Salem, OR 97310-0722 AC503/378-4144

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Oregon (continued)			plemental statement is required annually on Sept. 10th until there is no balance or deficit.		petition; stmt. of receipts and expenditures for reduction of post-elec. deficit by other than a cand. or his treasurer.	
Pennsylvania	Candidates and political committees if amount received or expended or liabilities incurred exceed $250	Contribution, expenditure, and liability information, including an itemization of aggregate contributions over $50 in the reporting period, expenditures and liabilities.	Statewide office candidates and political committees influencing statewide election: by 6th Tuesday and 2nd Friday before election. All other candidates & political committees: 2nd Friday before election. All candidates & political committees: 30 days after election and cumulative annual report on January 31st of each year until no balance or no debt.	Report concerning candidate: office with which a candidate files nomination documents--either the Secretary of the Commonwealth or appropriate county board of elections. If report concerns both candidates who file nomination documents with the secretary and those who file with county boards, then the report is filed with the Secretary of the Commonwealth.	Statement by candidate or political committee that receipts, expenditures, and liabilities do not exceed $250; waiver of reporting by local office candidate; political committee registration statement; report of independent expenditures over $100 in in a calendar yr.; statement by lobbyist; report by certain business entities awarded a no-bid contract; report of disposition of residual funds; report by candidate or candidate's pol. comm. of receipt of contribution of $500 or more after final pre-election report.	Secretary of the Commonwealth 305 N. Office Bldg. Harrisburg, PA 17120 AC717/787-5280
Rhode Island	Candidates, political action committees, and municipal and state political party committees that receive contributions of over $200 from one source in a calendar year or spend more than $5,000 in the aggregate on behalf of a candidate or question.	Itemization of contributions over $200 and expenditures over $25 and net proceeds of testimonial affairs.	28th and 7th day before an election & 28th day after an election (final report). Pol. party comm. must file annual report by Mar. 1st. Supplemental report due 120 days after election & at 90-day intervals thereafter until dissolution of campaign fund.	State Board of Elections	Statement that neither contributions nor aggregate expenditures will exceed minimum amounts for reporting; certification of completion of election business and dissolution of campaign fund; appointment of campaign treasurer and deputy campaign	State Board of Elections 50 Branch Avenue Providence, RI 02904 AC401/277-2345

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Rhode Island (continued)					treasurers; notice of formation of political action committee; report of independent expenditures over $200 in a calendar yr. to the appropriate campaign treasurer.	
South Carolina	Candidates, committees working on behalf of a candidate and duly organized groups or political parties receiving or soliciting funds for the support of a candidate	Contribution and expenditure information, including itemization of contributions over $100.	Within 30 days after each election in which contributions are sought or received and after an election within 10 days after each quarter in which funds were received or expended.	State Ethics Commission for all non-legislative office candidates; senate ethics committee for state senate candidates; and house of representatives ethics committee for state representative candidates.	Candidate statement of economic interests.	State Ethics Commission 1122 Lady Street Suite 930 Columbia, SC 29201 AC803/758-7408
South Dakota	State executive, state legislative, and county office candidates; political committees; and persons or political committees involved with questions or proposed constitutional amendments; however, a state office candidate or candidate's political committee is not required to file unless more than $500 is collected or expended in a calendar year. A state office candidate & non-candidate/non-ballot question political committee are not required to file a	Itemization of contributions and expenditures, including aggregate contributions of more than $100 in a calendar year.	State office candidates: last Tuesday prior to election and by Feb. 1st for preceding calendar yr. or remainder not covered by previous report. State office candidates & all pol. comm. that receive an aggregate contribution of $500 or more w/i 9 days prior to an election must file a supplemental statement w/i 48 hours. Legislative and county office candidates: by July 1st and December 31st of election year. Political committees (other than a candidate's political committee	Secretary of State: state office and legislative office candidates and their political committees and non-candidate political committees. Appropriate county auditor: county office candidates.	Statement by state office candidate or candidate's political committee that not more than $500 will be collected or expended in a calendar year; candidate statement of financial interest.	Secretary of State State Capitol Bldg. 500 E. Capitol Pierre, SD 57501-5077 AC605/773-3537

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
South Dakota (continued)	pre-election report unless a single contribution received exceeded $100 or an expenditure exceeded $2,000 at the time of the report.		or ballot-question political committee): last Tuesday prior to election and by Feb. 1st for preceding calendar yr. or remainder of yr. not covered in in a previous rept.			
Tennessee	Candidates and political campaign committees	Contribution and expenditure information, including an itemization of contributions and expenditures of over $100 during the reporting period. Detailed information is not required if the contributions received or expenditures made in a reporting period do not exceed $1,000.	Candidates, single-candidate political campaign committees & single-measure political campaign committees: 7 days before & 48 days after each election; if an unexpended balance or expenditure deficit exists after the post-election statement is filed, a supplemental statement must be filed within 1 yr. after the election or sooner when there is no balance or deficit. Multi-candidate political campaign committees: within 10 days after each quarter.	Secretary of State: state office candidates and political campaign committees in state elections. Appropriate county election commission: local office candidates and committees for local elections. General assembly candidates and their political committees file a copy with the county election commission where the candidate resides.	Certification of political treasurers; candidate disclosure of financial interests.	Secretary of State James K. Polk Bldg. 5th Floor Nashville, TN 37219 AC615/741-7956
Texas	Candidates and political committees	Contribution and expenditure information, including an itemization of aggregate contributions and aggregate expenditures of more than $50.	Candidates and specific purpose political committees: 30th day and 7th day before and 30th day after an election; if there are unreported contributions or expenditures after end of post-election reporting period, an annual statement is required by January	Secretary of state: state or district offices & statewide measures. County clerk: county offices and measures. City secretary or clerk: municipal offices & measures. Secretary of governing body of political subdivision: other political subdivision offices & measures.	Appointment of campaign treasurer and assistant campaign treasurer; statement of organization of general purpose political committee; declaration of intent not to exceed $500 in contributions and expenditures in order to file post-election reports rather than regular	Secretary of State P.O. Box 12887 Austin, TX 78711 AC512/475-4434

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Texas (continued)			15th. Unopposed candidates only file by July 15th of an election yr. & Jan. 15th following election. Semiannual statements are required by July 15th of a non-election yr. & Jan. 15th following a non-election year. General purpose political committees: Jan. 15th of each year; 30-40 days before an election in which the committee is involved; 7-10 days before the election; and 25-30 days after the election; however, monthly statements may be filed in lieu of annual and election-related reports. Aggregate contributions of more than $1,000 for a state senate candidate or more than $200 for a state representative candidate accepted between the 9th and 2nd day before an election must be reported within 48 hrs. of acceptance.		reports; candidate financial statement; annual report of unexpended contributions by unsuccessful candidates and former office holders; report to candidate by political committee that receives contributions or makes expenditures on behalf of a candidate; report of terminated campaign treasurer (by 10th day after termination).	

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Utah	Personal campaign committees for governor, lieutenant governor, state auditor & attorney general candidates; state senate & house of representative candidates; & state and county political party committees	Itemization of contributions & other things of value received of more than $50, expenditures & contracts.	Personal campaign committees of candidates for state executive office & political party committees: 10th day of July, Oct., & Dec. of general election yr. & 5th day before general election. State legislative office candidates: by 30 days after the election.	Lieutenant governor	Statement of appointment of personal campaign committee of state executive office candidates.	Lieutenant Governor State Capitol Bldg. Salt Lake City, UT 84114 AC801/533-5361
Vermont	State executive office candidates; state legislative, county & local office candidates who have accepted contributions or made expenditures of $500 or more; political parties; and political committees that have received contributions or made expenditures of more than $500 in a calendar year	Contribution and expenditure information, including an itemization of contributions of more than $50.	State executive office candidates, pol. comm. & pol. parties: 40 & 10 days before primary & general election; 10 days after general election; and July 15th & annually thereafter or when all contributions & expenditures have been accounted for & any indebtedness & surplus funds eliminated. State legislative and county office candidates: 10 days before primary & general election & w/i 30 days after the general election; and annual reporting as for state executive office candidates. Local office candidates: 10 days before & 10 days after the election.	Secretary of state: state executive office candidates, political committees & political parties. Officer with whom candidate files nomination papers: state legislative, county & local office candidates.	Appointment of treasurer and designation of single bank.	Secretary of State Pavilion Office Building Montpelier, VT 05602 AC802/828-2304

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Virginia	Candidates and designated campaign treasurers (however, the reporting requirements do not apply to elections for Congress, for office in towns of less than 25,000, or for directors of soil or water conservation districts or political party committees); political action committees and other committees (except political party committees) that expend over $500 for a statewide election or over $100 for any other election.	Contribution and expenditure information, including n itemization of aggregate contributions over $100 and all expenditures.	Candidates: 30th day (statewide office only) and 8th day before & 30th day after ea. election. In elections for statewide office & general assembly, additional reports must be filed: annual report by Jan. 15th starting w/1st yr. in which a contribution is received or expenditure made & a report by every candidate at time of declaration of candidacy. If funds remain unexpended, obligations remain, or additional funds are received after post-elec. report filed, supplemental reports are to be filed 60 days, 6 months, 1 year & annually thereafter after elec. until debts retired & residual funds disposed of. Contribution of more than $1,000 for statewide office or more than $500 for other office received between 11th day or less before elec. & election day must be reported w/i 72 hrs. (or day before if receivied w/i 72 hrs. of election. Political & other committees: Jan. 15th (annual report); 8 days be-	State Bd. of Elections: all statewide candidates and all political action committees & other committees. State Bd. of Elections & electoral bd. where candidate resides: candidates for general assembly & a constitutional office share by 2 or more counties and cities. Electoral bd. where candidate resides: all candidates for local office.	Candidate appointment of campaign treasurer; candidate designation of campaign depository; report to candidate's campaign treasurer of contributions received or expenditures made of over $100 in relation to candidate; committee statement of organization.	State Board of Elections Ninth Street Office Building, Room 101 Richmond, VA 23219-3497 AC804/786-6551

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Virginia (continued)			fore 1st Tue. in March & May; 8 days before 2nd Tue. in June; 8 days before Tue. after 1st Mon. in Nov.; NLT 30th day after Nov. general election; final report when all contributions & disbursements reported, debts retired & residual funds disposed of. Contribution given or expenditure made by a committee of more than $1,000 for a statewide office or more than $500 for any other office after 11th day before 1st Tue. in March & May, 2nd Tue in June or Tue. before 1st Mon. in Nov. must be reported w/i 72 hrs. (or NLT upon or before the designated Tue. if made w/i 72 hrs. of designated Tuesday.			
Washington	Candidates and political committees except in election campaigns for federal elective office and - precinct committeeman. Candidates & political committees concerning an office whose constituency covers less than an entire county and contains less than 5,000 voters and in jurisdictions with	Information on contributions, expenditures, loans, and transfers of funds from political committees, including an itemization of aggregate contributions of $25 or more and aggregate expenditures of $50 or more.	At time campaign treasurer is designated; 21st and 7th day before and w/i 21 days after election; 10th day of each month in which no other reports are required if a contribution received or expenditure made in previous month & total contributions or expenditures since last report exceed $200; and at time	Public Disclosure Commission and county auditor or elections officer of county in which candidate resides. Continuing political committees file monthly activities report with Public Disclosure Commission and auditor or elections officer of county in which committee maintains	Political committee statement of organization; designation of campaign treasurer (and deputy campaign treasurers) & campaign depository (and additional depositories); notice of investment of campaign funds; alternative report of fund-raising activities; report of aggregate independent expendi-	Public Disclosure Commission 403 Evergreen Plaza Olympia, WA 98504 AC206/753-1111

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Washington (continued)	less than 1,000 voters are exempted unless the exemption is voided.		campaign fund is closed and campaign concluded (final report). Continuing political committees also file monthly reports by the 10th day of the mo. if total contributions or expenditures since the last report exceed $200. Candidates and pol. comm. may file only post-election reports if they qualify for abbreviated campaign reporting or only the registration statement if they qualify for mini-campaign reporting. Contributions of over $500 received or made by a political committee after last pre-election report or w/i 21 days of the general election are to be reported w/i 24 hrs. (contribution made) or 48 hrs. (contribution received).	its office or headquarters.	tures in an election campaign of $100 or more; candidate report of financial affairs; annual report of contributions & expenditures concerning a public office fund; report concerning out-of-state political committee contributions.	
West Virginia	Candidates, financial agents, political party committee treasurers, and persons, associations of persons & organizations (including corporations) that support or oppose a candidate or issue and their treasurers or equivalent officers	Itemization of contributions and expenditures and other information, including the name of each contributor and the amount contributed.	Last Sat. in March or w/i 15 days thereafter before the primary; 7-10 days before & 25-30 days after each election; annually on last Sat. in March or w/i 15 days if contributions or expendi- exceed $500 or any loan is outstanding	Secretary of State: state and multi-county political subdivision offices. Clerk of the county commission: all other offices.	Designation of treasurer or financial agent; special pre-candidacy reports of contributions and expenditures; advertising agency reports of receipts and expenditures.	State Election Commission & Secretary of State Secretary of State State Capitol Bldg. Charleston, WV 25305 AC304/345-4000

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Wisconsin	Candidates and personal campaign committees; political party committees, political committees, political groups, and individuals that accept aggregate contributions or make aggregate expenditures of over $25 in a calendar yr., subject to numerous exemptions. Reporting requirements do not apply to (1) elections for presidential elector, convention delegate & party committeeman; (2) persons, political committees, and political groups (except a candidate for statewide or legislative office & the candidate's personal campaign committee, an individual or committee required to file a statement under oath for candidate-related disbursements, and a political party committee) that do not anticipate aggregate contributions or expenditures of over $500 and single-source contributions of over $100 in a calendar year; (3) political party committees that do not anticipate aggre-	Contribution and expenditure information, including an itemization of contributions, disbursements, loans, and obligations of over $20.	8-14 days before a primary or election; continuing semi-annual reports between Jan. 1st & 31st and July 1st and 10th until a termination report is filed. An unreported cumulative contribution of more than $500 received by a state office candidate or a committee within 15 days before an election must be reported with 48 hrs. of receipt.	State Elections Board: political party committees, state office candidates and committees, committees and individuals in both state and local office elections, and political groups and individuals involved with statewide referenda. Clerk of the most populous jurisdiction: local office candidates and committees (and duplicates of certain reports required to be filed with State Elections Board) and committees and individuals involved with local referenda only. City clerk: city school district elections; school district clerk: other district school elections.	Registration statements; statement under oath for independent candidate-related disbursements; registrant termination and suspension reports; designation of agent by nonresident political committee, political group, or individual.	State Elections Board 132 E. Wilson St. 3rd Floor Madison, WI 53702 AC608/266-8005

CHART 1. CAMPAIGN FINANCE REPORT FILING REQUIREMENTS (Continued)

STATE	REQUIRED FROM	CONTENTS	TIME	FILED WITH	OTHER REPORTS OR STATEMENTS REQUIRED	REGULATORY AGENCY
Wisconsin (continued)	gate contributions or expenditures of over $1,000 and single-source contributions of over $100 in a calendar yr.; (4) national office candidates & national office-related committees & individuals.					
Wyoming	Candidates, candidates' campaign committees, political action committees, and political party state and county central committees	Itemization of receipts, expenditures, and obligations.	Candidates: within 10 days after an election; non-party committees: within 14 days after an election. Political action committees & candidates' campaign committees formed after an election to defray campaign expenses also report semi-annually on July 1st and Dec. 31st of each odd-numbered yr. until debts are paid. Party committees: 7 days after general or special election.	Secretary of State: statewide office candidates, party state and county central committees, and state legislative and district judgeship office candidates and supporting committees. County clerk: state legislative and district judgeship office candidates and supporting committees, other office candidates and supporting committees, and party county central committees.	Statement of formation of candidate's campaign committee or political action committee.	Secretary of State Capitol Building Room 106 Cheyenne, WY 82002-0020 AC307/777-7378

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTIONS
Alabama	Unlimited	Unlimited	Unlimited	Limited to $500 to any candidate, political committee, or political party per election.	Unlimited	Unlimited	Unlimited	Public utility regulated by Public Service Commission may only contribute through a PAC.
Alaska	Limited to $1,000 per year for each elective office.	Unlimited	Limited to $1,000 per year for each elective office.	Limited to $1,000 per year for each elective office.	Limited to $1,000 per year for each elective office.	Limited to $1,000 per year for each elective office.	Limited to $1,000 per year for each elective office.	
Arizona	Unlimited	Unlimited	Unlimited	Prohibited	Prohibited	Unlimited	Unlimited	Prohibited
Arkansas	Limited to $1,500 per candidate per election.	Unlimited	Limited to $1,500 per candidate per election.	Limited to $1,500 per candidate per election.	Limited to $1,500 per candidate per election.	Limited to $1,500 per candidate per election.	Limited to $1,500 per candidate per election.	
California	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Colorado	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Connecticut	Limited to an aggregate of $15,000 per election and $2,000 for governor; $1,500 for other statewide office; $1,000 for sheriff; $500 for state senator, probate judge or town, city, or borough office elected on an at-large basis; $250 for state representative or other town, city, or borough office; $5,000 per year to state party.	Unlimited	Unlimited	Prohibited	Prohibited	Labor organization PAC limited to an aggregate of $50,000 per election and same limits per candidate as individuals. Corporate PAC limited to an aggregate of $100,000 per election and twice the limits per candidate as individuals.	Prohibited	Prohibited
Delaware	Limited to $1,000 per statewide candidate per election; $500 per non-	Limited to $5,000 per election.	Limited to $5,000 per election	Limited to $1,000 per statewide candidate per election; $500 per non-	Limited to $1,000 per statewide candidate per election; $500 per non-	Limited to $1,000 per statewide candidate per election; $500 per non-	Limited to $1,000 per statewide candidate per election; $500 per non-	

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTIONS
Delaware (continued)	statewide candidate per election.			statewide candidate per election.	statewide candidate per election.	statewide candidate per election.	statewide candidate per election.	
District of Columbia	Limited to an aggregate of $4,000 per election and $2,000 for mayor; $1,500 for council chairman; $1,000 for council member at-large; $400 for council member from a district or bd. of education member at-large; $200 for bd. of education member from a district or party official; $25 for neighborhood advisory comm. member.	Limited to an aggregate of $4,000 per election and $2,000 for mayor; $1,500 for council chairman; $1,000 for council member at-large; $400 for council member from a district or bd. of education member at-large; $200 for bd. of education member from a district or party official; $25 for neighborhood advisory comm. member.	Limited to an aggregate of $4,000 per election and $2,000 for mayor; $1,500 for council chairman; $1,000 for council member at-large; $400 for council member from a district or bd. of education member at-large; $200 for bd. of education member from a district or party official; $25 for neighborhood advisory comm. member.	Limited to an aggregate of $4,000 per election and $2,000 for mayor; $1,500 for council chairman; $1,000 for council member at-large; $400 for council member from a district or bd. of education member at-large; $200 for bd. of education member from a district or party official; $25 for neighborhood advisory comm. member.	Limited to an aggregate of $4,000 per election and $2,000 for mayor; $1,500 for council chairman; $1,000 for council member at-large; $400 for council member from a district or bd. of education member at-large; $200 for bd. of education member from a district or party official; $25 for neighborhood advisory comm. member.	Limited to an aggregate of $4,000 per election and $2,000 for mayor; $1,500 for council chairman; $1,000 for council member at-large; $400 for council member from a district or bd. of education member at-large; $200 for bd. of education member from a district or party official; $25 for neighborhood advisory comm. member.	Limited to an aggregate of $4,000 per election and $2,000 for mayor; $1,500 for council chairman; $1,000 for council member at-large; $400 for council member from a district or bd. of education member at-large; $100 for bd. of education member from a district or party official; $25 for neighborhood advisory comm. member.	
Florida	Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee per election.	Unlimited	Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee per election.	Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee per election.	Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee per election.	Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee per election.	Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee per election.	
Georgia	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Pub. utility corp. regulated by Pub. Serv. Comm. may not contribute directorly or indirectly.

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTIONS
Hawaii	Limited to $2,000 in any election period.	Limited to an aggregate of $50,000 in any election year.	Limited to an aggregate of $50,000 in any election year.	Limited to $2,000 in any election period.	Limited to $2,000 in any election period.	Limited to $2,000 in any election period.	Limited to $2,000 in ay election period.	
Idaho	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Illinois	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Indiana	Unlimited	Unlimited	Unlimited	Limited to an aggregate of $5,000 for statewide candidates; an aggregate of $5,000 for state party central committees; an aggregate of $2,000 for other offices; and an aggregate of $2,000 for other party committees.	Limited to an aggregate of $5,000 for statewide candidates; an aggregate of $5,000 for state party central committees; an aggregate of $2,000 for other offices; and an aggregate of $2,000 for other party committees.	Unlimited	Limited to an aggregate of $5,000 for statewide candidates; an aggregate of $5,000 for state party central committees; an aggregate of $2,000 for other offices; and an aggregate of $2,000 for other party committees.	
Iowa	Unlimited	Unlimited	Unlimited	Prohibited	Unlimited	Unlimited	Prohibited (also applies to credit unions)	Prohibited for insurance companies.
Kansas	Limited to $3,000 per statewide candidate per election and $750 per candidate per election for committee offices.	Unlimited	Unlimited for spouse.	Limited to $3,000 per statewide candidate per election and $750 per candidate per election for committee offices.	Limited to $3,000 per statewide candidate per election and $750 per candidate per election for committee offices.	Limited to $3,000 per statewide candidate per election and $750 per candidate per election for committee offices.	Limited to $3,000 per statewide candidate per election and $750 per candidate per election for committee offices.	Limited to $3,000 per statewide candidate per election and $750 per candidate per election for committee offices.
Kentucky	Limited to $3,000 per candidate per election.	Unlimited	Limited to $3,000 per candidate per election.	Prohibited	Unlimited	Unlimited	Prohibited	Prohibited
Louisiana	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Maine	Limited to an aggregate of $25,000 in a calendar year and $1,000 per candidate per election.	Unlimited	Unlimited for spouse.	Limited to $5,000 per candidate per election.	Limited to $5,000 per candidate per election.	Limited to $5,000 per candidate per election.	Limited to $5,000 per candidate per election.	Limited to $5,000 per didate per election.

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTIONS
Maryland	Limited to an aggregate of $2,500 per election and $1,000 per candidate per election.	Unlimited	Unlimited for spouse.	Limited to an aggregate of $2,500 per election and $1,000 per candidate per election.	Limited to an aggregate of $2,500 per election and $1,000 per candidate per election.	Unlimited	Limited to an aggregate of $2,500 per election and $1,000 per candidate per election.	
Massachusetts	Limited to $1,000 per candidate per year. Minors limited to $25 per year.	Unlimited	Limited to $1,000 per candidate per year. Minors limited to $25 per year.	Prohibited	Unlimited	Unlimited	Prohibited	Prohibited
Michigan	Limited to $1,700 for a statewide office, $450 for state senator, $250 for state representative candidates per election.	Unlimited, except to $25,000 per gubernatorial campaign.	Unlimited, except to $25,000 per gubernatorial campaign.	Prohibited for candidate elections. Corporations may contribute up to $40,000 to a ballot question committee.	Limited to $1,700 for a statewide office, $450 for state senator, and $250 for state representative candidates per election.	Limited to $1,700 for a statewide office, $450 for state senator, and $250 for state representative candidates per election.	Prohibited	Prohibited
Minnesota	Limited to $60,000/elec. yrs. for gov./lt. gov. (and $12,000 in non-elec. yr.); $10,000/elec. year for atty. gen. ($2,000 in non-elec. yr.); $5,000/elec. yr. for other statewide offices ($1,000 in non-elec. yr,); $1,500/elec. yr. for state senate ($300 in non-elec. yr.); $750/elec. yr. for state representative ($150 in non-election yr.).	Unlimited	Limited to $60,000/elec. yrs. for gov./lt. gov. (and $12,000 in non-elec. yr.); $10,000/elec. year for atty. gen. ($2,000 in non-elec. yr.); $5,000/elec. yr. for other statewide offices ($1,000 in non-elec. yr,); $1,500/elec. yr. for state senate ($300 in non-elec. yr.); $750/elec. yr. for state representative ($150 in non-election yr.).	Prohibited	Limited to $60,000/elec. yrs. for gov./lt. gov. (and $12,000 in non-elec. yr.); $10,000/elec. year for atty. gen. ($2,000 in non-elec. yr.); $5,000/elec. yr. for other statewide offices ($1,000 in non-elec. yr,); $1,500/elec. yr. for state senate ($300 in non-elec. yr.); $750/elec. yr. for state representative ($150 in non-election yr.).	Limited to $60,000/elec. yrs. for gov./lt. gov. (and $12,000 in non-elec. yr.); $10,000/elec. year for atty. gen. ($2,000 in non-elec. yr.); $5,000/elec. yr. for other statewide offices ($1,000 in non-elec. yr,); $1,500/elec. yr. for state senate ($300 in non-elec. yr.); $750/elec. yr. for state representative ($150 in non-election yr.).	Prohibited	Prohibited for insurance companies.

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTIONS
Mississippi	Unlimited, but contributions to judicial office primary candidates are limited to $250.	Unlimited, but contributions to judicial office primary candidates are limited to $250.	Unlimited, but contributions to judicial office primary candidates are limited to $250.	Limited to $1,000 per candidate per year and $250 for judicial office primary candidates.	Unlimited, but contributions to judicial office primary candidates are limited to $250.	Unlimited, but contributions to judicial office primary candidates are limited to $250.	Limited to $1,000 per candidate per year and $250 for judicial office primary candidates.	Generally prohibited
Missouri	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Montana	Limited for all elections in a campaign to $1,500 for governor/lt. governor; $750 for other statewide candidates; $400 for public service commissioner, dist. court judge, or state senator; $250 for other candidates.	Unlimited	Limited for all elections in a campaign to $1,500 for governor/lt. governor; $750 for other statewide candidates; $400 for public service commissioner, dist. court judge, or state senator; $250 for other candidates.	Prohibited	Limited for all elections in a campaign to $1,500 for governor/lt. governor; $750 for other statewide candidates; $400 for public service commissioner, dist. court judge, or state senator; $250 for other candidates.	Limited for all elections in a campaign to $8,000 for governor/lt. governor; $2,000 for other statewide candidates; $1,000 for public service commissioner; $600 for state senator ($1,000 total from all non-party pol. comm.); $300 for other candidates ($600 total for st. house of rep. candidates from all non-party political committees).	Prohibited	Prohibited
Nebraska	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Nevada	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
New Hampshire	Limited to $5,000	Unlimited	Limited to $5,000	Prohibited	Prohibited	Limited to $5,000	Prohibited	Prohibited
New Jersey	Unlimited, but limited to $800 for governor in any primary or gen. election. Contributor's spouse may contribute up to $800 for gov. in a gen. elec.	Unlimited, but if receiving public funds for governor, limited to $25,000 per election from own funds.	Unlimited, but limited to $800 for governor in any primary or gen. election.	Unlimited, but limited to $800 for governor in any primary or gen. election.	Unlimited, but limited to $800 for governor in any primary or gen. election.	Unlimited, but limited to $800 for governor in any primary or gen. election.	Prohibited	Prohibited for insurance corporations or associations and certain other corporations.
New Mexico	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTIONS
New York	Limited to an aggregate of $150,000 in a calendar year & a maximum aggregate per office: statewide office nomination or statewide party position election: 2-1/2¢ X voters in party in state; statewide office election: 2-1/2¢ X voters in state; non-statewide office nomination or non-statewide party position election: 2-1/2¢ X voters in party in district (min. $1,000/ max. $50,000); non-statewide office election: 5¢ X voters in dist. (min. $1,000/ max. $50,000); state senator/ assembly member nom.: 5¢ X voters in party in dist. (senator: min. $4,000/ max. $50,000; assembly mbr.: min. $2,500/ max. $50,000); state senator/ assembly mbr. election: 5¢ X voters in dist. (senator: min.	Unlimited	Candidate's spouse: unlimited. Other family members together are limited to max. aggregate per office: statewide office nomination or statewide party position election: 2-1/2¢ X voters in party in state; st.-wide office election: 2-1/2¢ X voters in state; non-st.-wide office nom. or non-st.-wide party position election: 25¢ X voters in party in dist. (min. $1,250/max. $100,000); non-st.-wide office election: 25¢ X voters in dist. (min. $1,250/ max. $100,000); st. senator/assembly member nom.: 25¢ X voters in party in dist. (sen.: min. $20,000/ max. $100,000; assembly mbr.: min. $12,500/ max. $100,000); state senator/ assembly member election 25¢ X voters in the district (senator: min.	Limited to an aggregate of $5,000 per calendar year.	Unlimited	Unlimited	Unlimited if not corporation; if corporation, limited to an aggregate of $5,000 per calendar year.	Unlimited if not corporation; if corporation, limited to aggregrate of $5,000 per calendar yr. Public utilities may not contribute from public service revenues unless cost is charged to shareholders.

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTION
New York (continued)	$4,000/max. $50,000; assembly member: min. $2,500/ max. $50,000).		$20,000/max. $100,000; assembly mbr.: min. $12,500/ max. $100,000).					
North Carolina	Limited to $4,000 per committee or candidate per election.	Unlimited	Unlimited	Prohibited	Prohibited	Limited to $4,000 per committee or candidate per election.	Prohibited	Prohibited
North Dakota	Unlimited	Unlimited	Unlimited	Prohibited	Prohibited	Unlimited	Prohibited	Prohibited
Ohio	Unlimited	Unlimited	Unlimited	Prohibited	Unlimited	Prohibited for corporate PAC; otherwise unlimited.	Prohibited	Prohibited for public utilities.
Oklahoma	Limited to $5,000 to a political party or organization or a state office and $1,000 to a local office candidate per person or family.	Unlimited	Limited to $5,000 to a political party or organization or a state office and $1,000 to a local office candidate per person or family.	Prohibited	Limited to $5,000 to a political party or organization or state office, and $1,000 to a local office candidate.	Limited to $5,000 to a political party or organization or state office and $1,000 to a local office candidate.	Prohibited	Prohibited
Oregon	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Prohibited	Generally prohibited
Pennsylvania	Unlimited	Unlimited	Unlimited	Prohibited	Prohibited	Unlimited	Prohibited	Prohibited
Rhode Island	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
South Carolina	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
South Dakota	Limited in any calendar year to $1,000 for any statewide office candidate; $250 for and other candidate; $3,000 to a political party.	Unlimited	Unlimited	Prohibited	Prohibited if union is corporation; permitted if an association.	Unlimited	Prohibited	Prohibited
Tennessee	Unlimited	Unlimited	Unlimited	Prohibited	Unlimited	Unlimited	Prohibited	Prohibited
Texas	Unlimited	Unlimited	Unlimited	Prohibited	Prohibited	Unlimited	Prohibited	Prohibited
Utah	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Vermont	Limited to $1,000 per candidate or comm. per election.	Unlimited	Unlimited	Limited to $1,000 per candidate or comm. per election.	Limited to $1,000 per candidate or comm. per election.	Limited to $5,000 per candidate or comm. per election.	Limited to $1,000 per candidate or comm. per election.	Limited to $1,000 per can. or comm. per election.
Virginia	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	

CHART 2-A. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	INDIVIDUAL CONTRIBUTIONS	CANDIDATE CONTRIBUTIONS	CANDIDATE'S FAMILY MEMBER CONTRIBUTIONS	CORPORATE CONTRIBUTIONS	LABOR UNION CONTRIBUTIONS	SEPARATE SEGREGATED FUND (PAC) CONTRIBUTIONS	BANK/S & L CONTRIBUTIONS	REGULATED INDUSTRY CONTRIBUTIONS
Washington	Aggregate contributions of more than $5,000 may not be made to candidate or pol. comm. w/i 21 days of a general election.	Aggregate contributions of more than $5,000 may not be made to candidate or pol. comm. w/i 21 days of a general election.	Aggregate contributions of more than $5,000 may not be made to candidate or pol. comm. w/i 21 days of a general election.	Aggregate contributions of more than $5,000 may not be made to candidate or pol. comm. w/i 21 days of a general election.	Aggregate contributions of more than $5,000 may not be made to candidate or pol. comm. w/i 21 days of a general election.	Aggregate contributions of more than $5,000 may not be made to a candidate or political comm. within 21 days of a general election.	Aggregate contributions of more than $5,000 may not be made to candidate or pol. comm. w/i 21 days of a general election.	Aggregate contributions of more than $5,000 may not be made to candidate or pol. comm. w/i 21 days of gen. elec.
West Virginia	Limited to $1,000 per candidate per election.	Limited to $1,000 per candidate per election.	Limited to $1,000 per candidate per election.	Prohibited	Limited to $1,000 per candidate per election.	Limited to $1,000 per candidate per election.	Prohibited	Prohibited
Wisconsin	Limited to an aggregate of $10,000 in a calendar year. Limits for campaigns: $10,000 for statewide office candidates; $1,000 for state senator; $500 for state rep.; and for other office candidates: 1¢ X the no. of inhabitants in the jurisdiction (min. $250 max. $3,000).	Unlimited as to candidate's own personal funds & property or personal funds & property owned jointly or as marital property with spouse. State office candidate who receives election campaign fund grant is limited to 200% of amount that an individual may contribute.	Limited to same amounts as an individual.	Prohibited	Limited according to formula for statewide candidates (4% of authorized disbursement level); $1,000 for state senator; $500 for state rep.; $6,000 for political parties (calendar year); & varying amounts for other office candidates.	Limited according to formula for statewide candidates (4% of authorized disbursement level); $1,000 for state senator; $500 for state rep.; $6,000 (calendar yr.) for political parties; & varying amounts for other office candidates.	Prohibited	Public utilities may not offer special privileges to candidates.
Wyoming	Limited to an aggregate of $25,000 and to $1,000 per candidate in any general election year & the preceding year.	Unlimited	Unlimited	Prohibited	Prohibited	Unlimited	Prohibited	Prohibited

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
Alabama		No solicitation of state employees for state pol. activities. City employees may contribute to county/state political activities; county employees may contribute to city/state political activities.				Unlimited	
Alaska		May not be required of state employees.	Must be $100 or less.	Probibited	Prohibited	Unlimited	Contributions must be received by candidate, treasurer, or deputy treasurer.
Arizona						Unlimited	
Arkansas	State Division of Social Services/County Bd of Pub. Welfare employees may not solicit nor may certain judges for campaigns other than their own.	May not be required of state employees.	Must be $100 or less.	Must be less than $50 per year.	Prohibited	Limited to $2,500 per candidate per election.	Contributions must be made to the candidate or the candidate's campaign committee.
California	Local agency employees may not solicit employees of agency except incidentally thru a large solicitation.		Must be less than $100.	Must be less than $100 per year.	Prohibited	Unlimited	Contributions may not be delivered in a state building. Lobbyist contributions to certain candidates and committees prohibited.
Colorado			Must be less than $100.		Prohibited	Unlimited	Contributions by government entities to candidates prohibited.
Connecticut	State department heads and deputy department heads may not solicit.	May not be required.	Must be $50 or less.	Must be less than $15.	Prohibited	Unlimited	Contributions by candidate committees may be restricted. Contributions must be deposited in designated depository within 7 days of receipt.
Delaware			Must be $50 or less.	Prohibited	Prohibited		Contributions of $100 or more other than to candidate or committee require candidate's written approval.

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
District of Columbia	District employees may not solicit or collect political contributions.	Permitted	Must be less than $50.		Prohibited		
Florida	Generally prohibited for state employees. Judges may not solicit contributions.	Judges not elected in public elections between competing candidates may not make contributions.	Must be $100 or less.		Prohibited	Unlimited, but party may not contribute to a candidate for judicial office.	Contributions must be made through campaign treasurer and deposited by the end of the second business day following receipt (if greater than $100) or by the end of the 7th day after receipt (if less) in a designated campaign depository. Contributions received on election day or less than 5 days before an election by a candidate who is opposed in an election must be returned. Judicial candidates may not contribute to party (if non-incumbent).
Georgia	Prohibited for state employee to coerce another state employee.			Prohibited		Unlimited	Contributions must be made to candidate or committee.
Hawaii		Solicitation of contributions prohibited. Contributions to other employees is prohibited.	Contributions of more than $100 require a receipt to the donor and a record of the transaction.	Prohibited	Prohibited	Limited to sliding scale percentage limit based upon candidate expenditure limits.	Excess contributions must be returned. Contributions may be made only to treasurers and must be promptly deposited.
Idaho	Prohibited for state employee to coerce another state employee.	Permitted		Must be $50 or less.	Prohibited	Unlimited	Contributions of more than $50 must be accompanied by certain information.
Illinois	Generally prohibited	Generally prohibited		Prohibited	Prohibited	Unlimited	
Indiana	Employees may not solicit or receive contributions.	May not be required.			Prohibited	Unlimited	Contributions must be made through treasurers.
Iowa				Prohibited	Prohibited	Unlimited	
Kansas		May not be required.		Must be $10 or less.	Prohibited	Unlimited	Limits on solic. of donors w/ certain interest. Limits on aggregate anonymous contribs.

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
Kentucky		May be prohibited depending on who is donee. May not be required.	Must be $100 or less.	Must be $50 or less.	Prohibited	Unlimited	Certain contributions by those with special interests limited. Contributions must be made through campaign manager or treasurer. Contribution must be deposited by end of 5th business day after receipt.
Louisiana		May not be solicited.	All contributions of more than $300 must be by written instrument. All contributions by corps., labor organizations, and associations must be by check.	Generally prohibited if more than $25.	Prohibited	Unlimited	Solicitation or acceptance of contributions from those with special interests limited.
Maine	Prohibited for state employee to coerce another state employee.				Prohibited	Limited to $5,000 per candidate per election.	
Maryland		May not be required.	Must be $100 or less.	Prohibited	Prohibited	Unlimited	Contributions must be made to candidate or treasurer. All contributors must receive receipts.
Massachusetts	Generally prohibited	May not be required.	Must be $50 or less.		Prohibited	Unlimited	Contributions may not be solicited in public buildings. Contributions must be deposited within 3 business days after receipt in the designated depository.
Michigan		May not be required.	Must be $20 or less.	Prohibited	Prohibited	State central committee is limited to $34,000 for a statewide office, $4,500 for state senator, $2,500 for state representative candidates per elec.	Out-of-state contributions statements.

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
Michigan (continued)						Local party is limited to $17,000 for a statewide office, $4,500 for a state senator, $2,500 for state representative candidates per election.	
Minnesota	Prohibited during hours of employment.	May not be required.		Must be less than $20.	Prohibited	Limited to $300,000/elec. year for governor/lt. gov. ($60,000 in non-elec. yr.); $50,000/elec. yr. for atty. gen. ($10,000/non-elec. yr.); $25,000/yr. for other statewide offices ($5,000 in non-elec. yr.); $7,500/elec. yr. for state senator ($1,500 in non-elec. yr.); $3,750/elec. yr. for state representative ($750 in non-elec. yrs.).	Contributions must be deposited promptly, generally in period received.
Mississippi	Prohibited for state correctional system employees.	May not be required. Highway patrol or correctional system employees may not contribute.				Unlimited, but contributions to judicial office primary candidates are limited to $250.	
Missouri			Must be $100 or less.	Must be $10 or less.	Prohibited	Unlimited	Contributions must be made through treasurer. Limits on aggregate anonymous contributions.

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
Montana	Solicitation by municipal government employees prohibited.	Contributions by municipal employees in city with municipal commission form of government prohibited.		Prohibited	Prohibited	Limited for all elections in a campaign to $8,000 for governor/lt. governor; $2,000 for other statewide candidates; $1,000 for public service commissioner; $600 for state senator; & $300 for other candidates. Contributions to judicial candidates are prohibited.	Contributions must be deposited within 5 days after receipt. House candidates cannot accept more than $600 total or senate candidates more than $1,000 total from political committees. In-kind & political party primary contributions are excluded.
Nebraska	Prohibited during hours of employment.		Must be $50 or less.	Prohibited	Prohibited	Unlimited	Certain restrictions on out-of-state contributions.
Nevada	Prohibited to solicit from other employees.					Unlimited	
New Hampshire		Classified state employees may not be solicited or required to contribute.		Prohibited	Prohibited	Unlimited	Contributions must be made to a candidate or his fiscal agent or to a political committee or its treasurer.
New Jersey	Prohibited to demand from other public employees.		Prohibited unless in response to public solicitation or a written contributor statement is filed (max. up to $100 cumulatively).	Prohibited	Prohibited	Unlimited, but state committee is limited to $800 for governor in a general election.	Solicitation of certain public officeholders prohibited. Contributions must be made through treasurer. No person may contribute more than $250 for a gubernatorial fund-raising event.
New Mexico	Prohibited while on duty.			If in excess of $50, must be reported.		Prohibited in primary elections; otherwise unlimited.	

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
New York	Prohibited for police force members. An employee may not coerce another employee. Prohibited for judicial candidates.	Permitted, but may not be required. Judicial candidates prohibited.	Must be $100 or less.	Prohibited	Prohibited	Unlimited	
North Carolina	Prohibited for state employee to coerce another state employee.		Must be $100 or less.	Prohibited	Prohibited	Unlimited	Non-resident contribution of more than $100 must be accompanied by contributor-identifying statement.
North Dakota				Prohibited	Prohibited	Unlimited	
Ohio	May not solicit or be solicited if in classified service. Court employees should not be solicited for a judge.	A judge should not contribute to a political party in the year he is a candidate.	Must be $100 or less.	Generally prohibited.	Prohibited	Unlimited	
Oklahoma	State employees may not solicit or receive contributions.	Prohibited for supreme court justices, court of appeals judges, and state highway patrol members.		Prohibited	Prohibited	Limited to $5,000 to a political party or organization or state office candidate and $1,000 for local off. cand.	No contribution may be accepted w/o the candidate's express permission. No contribution in excess of the maximum contribution limits may be received.
Oregon	Prohibited during hours of employment.	May not be demanded to pay a political assessment.		Prohibited	Prohibited	Unlimited	Certain limitations on out-of-state contributions. Contributions may not be received by a political committee until a treasurer is appointed and certified.
Pennsylvania	State employee may not demand a political assessment.	May not be solicited.	Must be $100 or less in the aggregate if to or for a candidate.	Prohibited	Prohibited	Unlimited	Written authorization of candate or political committee for whom public solicitation is conducted is required.
Rhode Island	State classified employees may not solicit.	State classified employees may not be solicited.		Prohibited	Prohibited	Unlimited	Contributions must be made through treasurer. Contributions may not be solicited or made in a state building.
South Carolina						Unlimited	

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
South Dakota						Unlimited	Contributions may be rcvd. only from an individual, association or pol. party.
Tennessee	Prohibited for superiors to solicit their employees. Prohibited to solicit certain government contractors.					Unlimited	Contributions must be made through the treasurer.
Texas			Must be $100 or less, except no limit for general purpose pol. committee.		Prohibited unless there is disclosure.	Unlimited	Contributions to certain officeholders prohibited during a 30-day period before and while legislature is in regular session.
Utah	Prohibited during hours of employment.					Unlimited	Contributions on behalf of a state office candidate must be made thru the candidate's personal campaign committee.
Vermont	Prohibited		Must be $50 or less.			Unlimited	
Virginia						Unlimited	Contributors of more than $100 must be reported to the appropriate treasurer.
Washington	Solicitation on government property is prohibited.	Solicitation on government property is prohibited.	Must be $50 or less if no receipt.	Prohibited	Prohibited	Aggregate contributions of more than $5,000 may not be made to a candidate or pol. comm. within 21 days of a general election.	Accumulated unidentified contributions in excess of 1% of total accumulated contributions in a calendar yr. or $300, whichever is more, may not be deposited, used, or accepted. Compulsory assessments for partisan political purposes are prohibited.
West Virginia	Prohibited	May not be solicited.	Must be $50 or less.	Prohibited	Disclosure of contributor required.	Limited to $1,000 per candidate per election.	Solicitation of contributions from candidates is limited to financial agents and political party committee members.
Wisconsin	Prohibited during hours of employment or while engaged in official duties.	Prohibited during hours of employment or while engaged in official duties.	Must be $50 or less.	Must $10 or less.	Prohibited	Unlimited, except candidates are limiced to 65% of authorized disbursement level for	Candidates may be restricted in the total amount of contributions they may accept. Contributions must be made through the treasurer. Contributions made in violation

CHART 2-B. CONTRIBUTION AND SOLICITATION LIMITATIONS (Continued)

STATE	SOLICITATION BY GOVERNMENT EMPLOYEES	CONTRIBUTIONS BY GOVERNMENT EMPLOYEES	CASH CONTRIBUTIONS	ANONYMOUS CONTRIBUTIONS	CONTRIBUTIONS IN THE NAME OF ANOTHER	POLITICAL PARTY CONTRIBUTIONS	OTHER RESTRICTIONS
Wisconsin (continued)						contributions from all committees, including political parties.	of the campaign finance law may not be accepted. Anonymous contributions over $10 must be donated to the common school fund or a charitable organization.
Wyoming						Prohibited in primary elections; otherwise unlimited.	

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CHART 3-A. EXPENDITURE LIMITATIONS

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Alabama	Only committee named and desnated by candidate					Candidate's travel, filing fees, stenographic work, clerks for mailings, communications and stationery, voter lists, office rent, broadcast, advertising, campaign literature, compensation to those distributing literature, rent for rally halls, bands.		
Alaska	Candidate, treasurer or deputy treasurer	May not exceed: gov./lt.gov.: 40¢ X total population (with not more than 50% spent in any one primary or general election); senate or house: $1 X district population ÷ number of seats in district.	No expenditures permitted before filing date except for personal travel expenses and public opinion surveys/polls.		Surplus may be given to charity; used to repay contributors; spent on a future campaign; used to repay candidate or used as income; contributed to another committee; or transferred to office allowance fund.		Surplus funds may be taken as income by the candidate.	
Arizona			No expenditures permitted until registration form is properly filed.					
Arkansas								
California	Must have authorization of treasurer or treasurer's designated agents.							

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Colorado					Surplus may be contributed to a non-profit or charitable organization or to the state or a political subdivision, but not to a candidate or party.	Must be reasonably related to an election, voter registration or political education.		
Connecticut			No expenditures permitted until treasurer and campaign depository have been properly designated.		Surplus may be donated to another committee (except one established to further the candidate's future campaigns) or distributed on a pro rata basis to contributors or used for transition expenses. Ballot question committees may also distribute surplus to government agencies or tax-exempt organizations.	Polls, meeting halls and rally expenses, printing and advertising, professional service fees, travel, staff salaries, rent, supplies, voter transportation, communications, expenses incurred in circulating nominating petitions, & other necessary expenses permitted by the comcommission.		
Delaware	Those with candidate's written approval	Primary: statewide: 25¢ X qualified voters; senate: greater of 25¢ X qualified voters or $4,000: house: greater of 25¢ X qualified voters or $2,000. General election: all figures doubled.	No expenditures permitted until registration form is properly filed.		Surplus funds may be contributed to a tax-exempt charitable or political organization with the candidate's authorization.	Staff salaries, travel expenses, filing fees, communications and printing, food, office supplies, voter lists and canvasses, poll watchers, rent, advertising, rallies, state-licensed counsel.		

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
District of Columbia	Only the chairman, treasurer, or designated agents may make an expenditure.				Surplus funds may be contributed to a political party for political purposes; returned to donors; transferred to a scientific, technical, or literacy or educational organization; or used for constituent services with certain limitations.			
Florida				No expenditures of any contribution received by a state or county political committee less than 5 days before an election may be made on behalf of any candidate, issue, or political party participating in that election.	Funds remaining in the treasury after an election are to be used solely to pay remaining financial obligations incurred prior to or on election day. Surplus funds may be used to reimburse a candifor his contributions; transferred to a public office account in an amount up to $10,000 for a statewide candidate, $5,000 for a multicounty candidate, and $2,500 X the no. of yrs. in the term of office for which	Expenditures may only be made to influence the results of an election.	Permitted if disclosed at the time of first filing.	Permitted if disclosed at the time of first filing.

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Florida (continued)					a candidate for legislative office is elected; returned pro rata to contributors; donated to a non-profit or charitable organization; or given to the state (by a state office candidate) or a political subdivision (by other candidates).			
Georgia								
Hawaii	Only campaign treasurer and deputy treasurer are authorized.	Voluntary election year limits of: Governor: $1.25 X qualified voters. Lieutenant governor: 70¢ X qualified voters. Mayor: $1.00 X qualified voters. House/senate/council/prosecutor: 70¢ X qualified voters. Others: 10¢ X qualified voters.			Surplus may be used for fundraising; candidate-sponsored politically-related activity; ordinary and necessary officeholder expenses; or donated to any community service, scientific, educational, youth, recreational, charitable, or literary organization.	Donations to community, youth, social, or recreational organizations; reports, surveys, or polls.		
Idaho								
Illinois					Surplus funds must be returned to contributors or transferred to other political or charitable organizations.			

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Indiana	Only treasurer may make expenditures.				Surplus funds may be transferred to one or more political party committees or to the state election board, unless otherwise provided by the committee in its statement of organization.			
Iowa					Public funds may not be used to lease or purchase any item whose benefits extend beyond the time within which the funds must be spent.	Public funds may only be used for legitimate campaign purposes in general elections, including salaries, rent, advertising, supplies, travel, campaign paraphernalia, contributions to other candidates or committees, and the like.		
Kansas			No expenditures permitted until registration form is properly filed.					
Kentucky	The treasurer must make or authorize all expenditures on behalf of a candidate.		No expenditures permitted until primary campaign depository is designated.		Any unexpended balance may be returned pro rata to all contributors, transferred to the candidate's party executive committee, or retained for election to the same office.			

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Louisiana			No expenditures aggregating in excess of $500 may be made until statement of organization is properly filed.					
Maine	Only candidate or treasurer	Political action committee is limited to expenditures of $5,000 per candidate or political committee in any election.						
Maryland	Public funds may only be spent upon authority of candidate or treasurer. Other expenditures must be made by or through the treasurer.	Publicly-financed candidates limited as follows per primary or general elections: Gov./lt.gov.: 10¢ X qualified voters. Att'y gen'l/Compt.: 2.5¢ X qualified voters. Senate: 10¢ X qualified voters. House: 5¢ X qualified voters. State's att'y: greater of $2,500 or 2.5¢ X qualified voters. Other state: greater of $1,000 or 1¢ X qualified voters.	No expenditures permitted until registration form is properly filed.		Surplus public contributions must be repaid not later than 60 days after the election for which the funds were granted. Other surplus funds must be returned on a pro rata basis to contributors, paid to a party central committee, or donated to a local board of education, recognized nonprofit educational organization, or charitable organization.	Public contributions may only be used to further the candidate's nomination or election, for legal purposes, and for expenses not incurred later than 30 days after the election.		

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Massachusetts					A pro rata portion of the public funds revert to the state. Other surplus funds must be donated to the local aid fund.	Candidates: limited to reasonable and necessary expenses directly related to the candidate's campaign. Other committes: may expend for the enhancement of the political future of the candidate or principle.	Prohibited	
Michigan	An expenditure may only be made with the authorization of the treasurer or the treasurer's designee.	Publicly-financed candidates limited to $1 million/election; except up to $200,000 more can be spent to solicit contributions, and additional expenditures are authorized in response to editorials, endorsements, etc.			Surplus public funds must be promptly repaid and may not be used in a subsequent election. Other funds may be transferred to another committee, party, tax-exempt charitable institution, or returned to contributors.	Public funds may only be spent on services, facilities, materials, or other things of value to further the candidate's election during the election year.	Public funds cannot be used to pay a candidate.	Public funds may not be expended to someone within the third degree of consanguinity of the candidate.
Minnesota	Must be authorized by treasurer or deputy treasurer of the committee or fund.	Candidates accepting public financing are limited as follows to the greater of: Election year: Gov./lt.gov.: 12.5¢ per capita or $600,000; att'y gen'l: 2.5¢ per capita or $100,000;				Limited to salaries, wages, fees; communications, mailing, transportation and travel; advertising and printing; office space and furnishings; supplies; and other expenses		

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Minnesota (continued)		sec. of state, treasurer and auditor: 1.25¢ per capita or $50,000; senate: 20¢ per capita or $15,000; house: 20¢ per capita or $7,500. Non-election yr.: 20% of applicable limit.				reasonably related to the election.		
Mississippi								
Missouri	All expenditures must be made by or through the treasurer. When the treasurer's office is vacant, the candidate serves as the treasurer.							
Montana	Campaign treasurers & authorized deputy cmpn. treasurers of candidates & political committees.							
Nebraska	Treasurers or treasurers' designees; however, candidates and their agents are also permitted to make expenditures.		Expenditure may not be made by a committee until it files a statement of organization and has a treasurer.			A committee other than a pol. party committee may not expend or transfer funds except for goods, materials, services, or facilities to assist or oppose a candidate or ballot question. After an election, a comm.	See "Other Restrictions."	See "Other Restrictions."

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Nebraska (continued)						may expend or transfer funds for continued operation of campaign offices; social events for workers & volunteers; obtaining public input & opinion; repayment of cmpn. loans; newsletters & other pol. communications; gifts of acknowledgment; & cand.-related meals, lodging & travel by officeholder and his family.		
Nevada								
New Hampshire	Candidate or his fiscal agent & treasurer of political committee		Before non-party political comm. may make expenditures, a registration statement must be filed & if the pol. comm. is organized to support a candidate, written consent of the cand. or his fiscal agent has been secured & filed.					
New Jersey	Treasurer or deputy treasurer of a candidate, political party committee, political committee and continuing political comm.	Maximum amount to aid candidate for governor (excluding travel expenses): in a primary--35¢ for ea. voter in preceding						

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
New Jersey (continued)		presidential election yr. & in a general election: 70¢ per voter in preceding pres. election year.						
New Mexico	Treasurer of candidate or political committee		Treasurer must be appointed before expenditures may be made.					
New York	Treasurer of candidate or political committee		Expenditures may not be made by a political comm. until the designation of a treasurer and depository have been filed.			Contributions may be expended for any lawful purpose. Surplus campaign funds may be used for any lawful purpose, incl. transfer to pol. party comm., return to donor, or held for use in subsequent campaign.	Contributions may not be converted to personal use not related to pol. campaign or holding public office or party position.	
North Carolina	Except for independent expenditures, candidate-related expenditures may be made only thru the treasurer or asst. treasurer of a candidate or political comm.		Except for independent expenditures, candidate-related expenditures may not be made until a treasurer is appointed and certified.					
North Dakota								
Ohio	For a campaign committee, only the campaign treasurer and authorized deputy campaign treasurers		Candidate must designate a treasurer before his campaign comm. may make expenditures.					

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Oklahoma	Agents and subagents in the case of candidates and political parties					Candidates may use contributions only to defray campaign expenditures or ordinary & necessary expenses incurred in connection with duties of public office holder.		
Oregon								
Pennsylvania				Person making expenditure of $500 or more after final pre-election report must report expenditure within 24 hours.		No candidate or political comm. chairman or treasurer may make an expenditure except as provided by law.		
Rhode Island	Campaign treasurers or deputy campaign treasurers			No expenditures may be made before the appointment of a treasurer & the filing of such designation.				
South Carolina								
South Dakota						Necessary expenditure of money for ordinary or usual expense of conducting a pol. cmpgn. unless exp. forbidden.		
Tennessee	Political treasurer of candidate & politicampaign committee		Candidate & political comm. are required to certify name & address of pol. treasurer befor making an expenditure in an election.			Clerical/office force, dissemination of literature, public speakers, newspaper announce of candidacy & transportation of voters unable to go to the polls.		

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Texas	Candidate & his campaign treasurer or asst. cmpn. treasurer & the campaign treasurer or asst. campaign treasurer of a political committee	Independent expenditures by individuals limited to $100 (+ donated personal services and personal traveling expenses) unless a contribution is made or the individual reports as a pol. committee.	No expenditure (incl. filing fee) may be made until the name of the campaign treasurer has been filed.				Contributions may not be converted to the personal use of a candidate or office holder.	
Utah	Candidate and secretary and members of a personal campaign committee in the case of a candidate		State office candidate must file statement of appointment of personal campaign committee before the committee may make expenditures.			Expenditures prohibited by law may not be made.		
Vermont	Designated treasurer						Conversion of surplus funds to personal use is prohibited, but the candidate may such funds to reduce personal campaign debts.	
Virginia			Candidate must appoint 1 campaign treasurer NLT upon acceptance of a contribution, expenditure of any funds or qualification as a candidate, whichever occurs first.			After filing of final report, surplus funds may be used for the next election.		

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Washington	Campaign treasurer or candidate or person on authority of campaign treasurer or candidate						Contributions may be transferred to the personal acct. of a candidate or expended for his personal use for reimbursement for loans to cover lost earnings while campaigning or performing services for pol. comm. & for direct out-of-pocket campaign-rel. expenses & for repayment of loans made to pol. committee.	
West Virginia	Candidates, financial agents and political party committee treasurers		No person may act as treasurer or financial agent before the filing of designation. Political party committee may not disburse money for election expenses unless treasurer appointed.				Rent, maintenance, furnishing of pol. hqs or office; payment of support staff; pol. advertising; public mtg.-related expenses; travel, lodging & admin. expenses; nominating petition costs; prevention of unlawful registration or voting; transportation; public polls.	
Wisconsin	Treasurer of a candidate, political committee, political group, or individual	State office candidates who receive election campaign fund grant may not expend more for a campaign than the amount	Disbursements may not be made by candidate, pol. comm., pol. group or individual before registration statement			Expenditures may be made for any lawful purpose. Contributions must be used for a political purpose.		

CHART 3-A. EXPENDITURE LIMITATIONS (Continued)

STATE	WHO MAY MAKE EXPENDITURES	TOTAL EXPENDITURES	BEFORE FIRST FILING	SHORTLY BEFORE ELECTION DAY	POST-ELECTION	FOR CERTAIN PURPOSES	PERSONAL USE OF CANDIDATE	TO FAMILY OF CANDIDATE
Wisconsin (continued)		specified in the authorized disbursement schedule.	is filed.					
Wyoming								

CHART 3-B. EXPENDITURE LIMITATIONS

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Alabama							For-profit corporation may not directly place an advertisement in its own name in support of a ballot question or proposition.
Alaska		Permitted with a $1,000 limitation.			May not exceed $100 unless accompanied by a written receipt filed with Alaska Public Offices Commission.		No expenditure may be made if its source is not disclosed as required under the law.
Arizona							If in excess of $10, must be evidenced by receipted bill stating the particulars of the expense.
Arkansas					May not exceed $50 (except for properly receipted filing fees).		If in excess of $50, must be made by written instrument with name of donor and payee.
California					May not exceed $100.		Expenditures may be made by agents or independent contractors only if reported as expenditures by the candidate or committee.
Colorado		Permitted from candidate committee to county or state central party committee before an election.			May not exceed $100.		No public entity expenditures are permitted. No expenditures as incentives to obtain a candidate's withdrawal.
Connecticut	Honoraria may not be paid to elected public officials.				May not exceed $100 from petty cash (implied by law).		Only the treasurer may incur a financial obligation. Expenditures must be made by check drawn on the campaign depository.
Delaware							
District of Columbia					Must be $50 or less to any one person in connection with a single transaction and must be fully documented.		No expenditures may be made when there is a vacancy in the office of treasurer. Expenditures must be by check drawn on the campaign depository.

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Florida			Expenditures for the purpose of speculation or investment are prohibited.		Must be less than $30 from petty cash and may not be used to pay for the purchase of time, space, or services from communications media.	Permitted with certain specified restrictions.	Treasurer must be appointed before making expenditures. All expenditures must be made through the treasurer. Expenditures must be made by bank check from the political campaign depository and must include certain specified information. Unopposed candidates are limited in the expenditures they may make once they become unopposed. No expenditures may be made to or by a person speaking in furtherance of his candidacy at a public meeting.
Georgia							
Hawaii							Expenditures require the treasurer's written authorization.
Idaho					Must be less than $25.		Expenditures may not be made in a manner that conceals the identity of the individual or organization making the payment. Each expenditure of $25 or more must be vouched for by a cancelled check.
Illinois	Surplus campaign funds may not be used for the aggrandizement of any committee member or campaign worker.						No expenditure may be made when there is a vacancy in the office of chairman or treasurer. Expenditures must be authorized by the chairman, treasurer, or their designated agents. Public funds may not be used for political purposes.
Indiana							Expenditures may not be made in the absence of the treasurer. Each expenditure of $25 or more must be vouched for by proof of payment and a record of particulars.
Iowa		Permitted					An expenditure may not be made by the treasurer or his designee without the approval of the chairman of the committee or the candidate.
Kansas							
Kentucky							No candidate may pay money or other thing of value for a person's vote or support.

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Louisiana					Cash expenditures of up to $100 may be made from petty cash for items other than personal services and voter transportation, if complete records are maintained.		Expenditures made in the name of others are implicitly prohibited. No expenditures may be made from funds received from an anonymous source. Except for petty cash, all expenditures must be by check drawn on the primary campaign depository, made payable to a specific person for specified purposes.
Maine							Treasurer must be appointed before making expenditures. No expenditures of liquor to be distributed or consumed by voters while the polls are open.
Maryland				Prohibited	May not exceed $25 per single recipient.		In general election, parties limited to expenditures for greater of $250 or 1/4¢ per qualified voter in addition to candidate limits. All non-petty cash disbursements must be by check from a designated campaign depository. May not be expended for an endorcement.
Massachusetts	Prohibited				May not exceed $50.		All expenditures of more than $50 must be by check drawn on the designated depository and must be countersigned by the recipient under oath. No expenditures may be made unless funds exist to support them.
Michigan		Prohibited if an independent expenditure. Permitted post-election up to limits.	Funds in a candidate committee account may not be invested in the stock market or commodities.		May not exceed $50.		No expenditures permitted until a treasurer is designated. Expenditures of anonymous contributions may only be to tax-exempt charitable institutions. Expenditures by agents or independent contractors must be reported as committee expenditures. Public funds may not be spent for gifts, salaries or wages to an individual in excess of $2,000/month, items clearly worth less than the payments, a defense fund, solicitation of non-exempt funds, or repayment of a loan.

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Minnesota					Petty cash expenditures limited to $100/week for statewide elections; $20/week for legislative elections.		Expenditures of more than $20 require written authorization of the treasurer or deputy treasurer of the committee or fund. No expenditures for meat, drink, entertainment, provisions, clothing, liquor, cigars, or tobacco to influence voting or nominating. Corporate expenditures are limited to ballot question campaigns.
Mississippi							
Missouri					Single cash expenditures from petty cash fund may not exceed $50; aggregate calendar year expenditures may not exceed the lesser of $5,000 or 10% of the committee's total calendar year expenditures.		Each expenditure of more than $100 must be by check drawn on the committee's depository and signed by the treasurer. No expenditure may be made or incurred in a fictitious name, in the name of another, or by or through someone in such a manner as to conceal the identity of the actual recipient and the purpose of the expenditure.
Montana					Petty cash fund may be established to pay for office supplies, transportation expenses & other necessities of less than $10. It may not be used for the purchase of time, space or services from any communications medium.		Expenditures are to be made from the designated primary depository and secondary depositories.
Nebraska		Contribution or independent expenditure by a candidate committee to another candidate committee is	Permitted for investments authorized by state law for the state investment officer.		Must be $50 or less.		An anonymous contribution may not be deposited and must be given to a tax-exempt organization. A committee may not make expenditures for the payment for a candidate's or family member's clothes or medical or

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Nebraska (continued)		prohibited except for a fund-raising event & transfer of unexpended funds after termination of the candidate's committee.					dental expenses; mortgage or rental payments for the candidate's permanent residence; installment payments for an auto owned by the candidate; satisfaction of personal debts (excluding reportable campaign loans); personal services (such as lawyer or accountant services; and office supplies, staff, or furnishings for the public office a candidate is seeking. The unexpended funds of a candidate committee, after termination, may be transferred to a candidate comm. or pol. party comm. or returned to the contributors of the funds.
Nevada							
New Hampshire							Pol. comm. member may not make or permit an unlawful expenditure. Candidate or fiscal agent must make and approve all disbursements on behalf of a candidate. Expenditure or use of contributions for political advertising cannot be more or less than applicable rates filed with the Secy. of State. Advertising space in programs for meetings or conventions of non-political organizations may not be paid for.
New Jersey				Permitted			No expenditure may be made anonymously, in a fictitious name, or in the name of another. Anonymous contributions must be returned to the donor if known; if not known; to the state. A political party may not expend funds to aid a party candidate until after the primary and may not expend money to aid a candidate for national convention delegate, party position, or nomination for public office as a party candidate.
New Mexico							

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
New York			Investment in income-producing sources permitted.		$100 or less permitted; otherwise by check.		Anonymous contributions may not be used or expended, but must be paid over to the state. Political party may not make expenditures to aid a party primary candidate.
North Carolina					Permitted for non-media expenses (excluding postage) of $50 or less.		
North Dakota							Payments to influence an editorial position advocating or opposing a candidate is prohibited.
Ohio					Permitted; if over $25, must be vouched for by receipted bill.		
Oklahoma							No state official may authorize the expenditure of public funds to support or oppose an initiative or referendum.
Oregon					$50 or less permitted.		Expenditures may not be made by a political committee until a treasurer is appointed and certified.
Pennsylvania		Expenditures from candidate's political committee permitted.	Permitted				Candidate or political committee may not disburse money received from an anonymous source. Anonymous contributions must be handed over to the state treasurer. Prohibited contributions from banks, corporations, or unincorporated associations may not be accepted.
Rhode Island							Expenditures made anonymously, in a fictitious name, or in the name of another are prohibited. Anonymous contributions may not be expended.
South Carolina							
South Dakota							
Tennessee							

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Texas			Investment in income-producing sources permitted.				Expenditure of unlawful contributions prohibited. Unexpended contributions may be retained by an unsuccessful candidate or former office holder for 6 yrs. pending any future candidacy; after 6 years, the contributions must be transferred to his political party, a candidate or political committee, the state, a tax-exempt charitable organization, or an institution of higher education. An office holder may use contributions for non-reimbursable office-related expenditures.
Utah							Expenditures on behalf of a candidate must be made through & with the approval of the candidate's personal campaign committee. Newspapers and periodicals may not be paid to influence an election except through a "paid advertisement." Expenditures over $1,000 by a member of a personal campaign committee must be authorized in writing.
Vermont			Investment in short-term notes permitted.		Expenditures by a candidate who has made expenditures or received contributions of $500 or more and by a political committee must be paid by the treasurer by check from a single checking account.		
Virginia					Petty cash expenditures of less than $25 permitted; otherwise, only by check.		Moneys, services and items of value over $100 on behalf of or in relation to a candidate must be reported to the candidate's treasurer.

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Washington	Same restrictions as for a candidate; see "Personal Use of Candidate."				Must be $50 or less if no receipt.		An expenditure may not be incurred in a fictitious name, anonymously, or by one person through another so as to effect concealment. Accumulated, unidentified contributions in excess of 1% of total accumulated contributions in a calendar yr. or $300, whichever is more, may not be expended and must be returned to the donor, if known, or to the state. A candidate or political committee that encourages any person to make an otherwise reportable contribution on its behalf is deemed to have made the expenditure. Surplus funds may be disposed by return to the contributors in an amount not to exceed the original contributions, transfer to the candidate's personal account as reimbursement for lost earnings during the campaign, transfer to another candidate, pol. comm. or pol. party, donation to a charitable organization, transmittal to the state, or retention for a future campaign, political activity, community activity or non-reimbursable public office-related expenses.
West Virginia							Anonymous contributions may not be expended, but must be donated to the state general revenue fund. Payment for newspaper or periodical endorsement is prohibited.
Wisconsin			Permitted		Prohibited; disbursements must be made by negotiable instrument.		Contributions in excess of maxmum limits must be returned to the donor or donated to the common school fund or a charitable organization. Anonymous and unidentified cash contributions must be donated to the common school fund or a charitable organization. Disbursements must be made in the

CHART 3-B. EXPENDITURE LIMITATIONS (continued)

STATE	PERSONAL USE OF OTHERS	CANDIDATE TO OTHER COMMITTEES	SPECULATIVE INVESTMENTS	WALKING AROUND MONEY	CASH EXPENDITURES	ON CREDIT OR CREDIT CARD	OTHER RESTRICTIONS
Wisconsin (continued)							actual name of the disbursing person. All funds received must be deposited in the campaign depository before disbursement. Residual funds may be used for any political purpose not prohibited by law, returned to the donors, or donated to a charitable organization or the common school fund.
Wyoming							Money may not be expended on behalf of a candidate without the candidate's prior written approval. A political party may not expend funds to aid the nomination of one person against another person of the same party in a primary election.

CHART 4. STATES WITH SPECIAL TAX OR PUBLIC FINANCING PROVISIONS

STATE	TAX PROVISIONS RELATING TO INDIVIDUALS				PUBLIC FINANCING	
	CREDIT	DEDUCTION	CHECKOFF	SURCHARGE	SOURCE OF FUNDS	DISTRIBUTION OF FUNDS
Alabama	---	---	---	$1 [a]	Surcharge	To political party designated by taxpayer
Alaska	$50	---	---	---		
Arizona	---	$100 [a]	---	---		
Arkansas	---	$25	---	---		
California	---	$100	---	$1, $5, $10 or $25 [b]	Surcharge and an equal amount matched by state	To political parties for party activities and distribution to statewide general election candidates
District of Columbia	50% of contribution to max. $50 [a]	---	---	---		
Hawaii	---	$100 for contributions to central or county party committees or $500 for contributions to candidates who abide by expenditure limits, with maximum of $100 of a total contribution to a single candidate deductible	$2 [a]	---	Checkoff, appropriated funds, other moneys	To candidates for all non-federal elective offices
Idaho	50% of contribution to maximum $5 [a]	---	$1	---	Checkoff	To political party designated by taxpayer
Indiana	---	---	---	---	Revenues from personalized motor vehicle license plates	Percentage divided equally between the qualified political parties
Iowa	---	---	$1 [a]	$2 [a]	Checkoff/surcharge	To political party designated by taxpayer; if not specified, amount divided among qualified parties for party activities and distributed to general election candidates
Kentucky	---	---	$2 [a]	---	Checkoff	To political party designated by taxpayer for party activities and disbution to general election candidates

CHART 4. STATES WITH SPECIAL TAX OR PUBLIC FINANCING PROVISIONS (Continued)

STATE	TAX PROVISIONS RELATING TO INDIVIDUALS				PUBLIC FINANCING	
	CREDIT	DEDUCTION	CHECKOFF	SURCHARGE	SOURCE OF FUNDS	DISTRIBUTION OF FUNDS
Maine	---	---	---	Any amount	Surcharge	To political party designated by taxpayer
Maryland	---	---	---	---	Direct appropriations	To candidates in elections for state or county office; Baltimore city offices
Massachusetts	---	---	---	$1 [a]	Surcharge	To candidates in statewide primary and general elections
Michigan	---	---	$2 [a]	---	Checkoff and an equal amount matched by state	To candidates in gubernatorial primaries and candidates for governor and lieutenant governor in general election
Minnesota	50% of contribution to maximum of $50 [a]	---	$2 [a]	---	Checkoff and excess anonymous contributions	To candidates for governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, state senator, and state representative in primary and general elections
Montana	---	$100 [a]	$1 [a]	$1 for those with no tax liability [a]	Checkoff/surcharge	To candidates opposed in elections for governor, lieutenant governor, and supreme court chief justice and justices
New Jersey	---	---	$1 [a]	---	Direct appropriations and checkoff	To gubernatorial candidates
North Carolina	---	$25	$1 [a]	---	Checkoff	Divided among political parties according to registration; in non-general election year not more than 50% in election campaign fund to state party & 50% to presidential election yr. candidates fund; in general election yr. 100% in election campaign fund to state party (w/50% to special party committee); if presidention election year, 100% in presidential election yr. candidates fund to state party (w/50% to special party committee)

CHART 4. STATES WITH SPECIAL TAX OR PUBLIC FINANCING PROVISIONS (Continued)

STATE	TAX PROVISIONS RELATING TO INDIVIDUALS				PUBLIC FINANCING	
	CREDIT	DEDUCTION	CHECKOFF	SURCHARGE	SOURCE OF FUNDS	DISTRIBUTION OF FUNDS
Oregon	Lesser of (1) 50% of contribution to a maximum of $25 [a] or (2) the taxpayer's tax liability	---	---	---		
Rhode Island	[e]	---	$2 [a]	---	Credit/checkoff	To political party designated by taxpayer; if party not designated, 5% of amount to party for each state officer elected and remainder to each party in proportion to votes received in previ- statewide election
Utah	---	---	$1	---	Checkoff	To political party designated by taxpayer: 50% to state central committee and 50% to county central committees
Virginia	---	---	---	$2 [a]	Surcharge	To political party designated by taxpayer
Wisconsin	---	---	$1 [a]	---	Checkoff	According to formula, to state executive office, state legislative office, and state supreme court candidates in a spring, general, or special election [f]

Note: This table shows only those states that have a tax provision relating to individuals or a provision for public financing of state elections. Credits and deductions may be allowed only for certain types of candidates and/or political parties. Consult state laws for further details.

Key:

--- - No provision
[a] - For joint returns, amount indicated above may be doubled
[b] - And a separate designation of $1, $5, $10, or $25
[c] - 10% to each party and remainder divided according to registration figures.
[d] - 20% for governor, 15% for lieutenant governor, 15% for attorney general, and 10% each for state treasurer, state auditor and inspector, commissioner of insurance, superintendent of public instruction, and corporation commissioner
[e] - See checkoff; designated to specified party or to non-partisan general account
[f] - Candidates must meet certain qualifications

PART II

SUMMARIES OF STATE CAMPAIGN FINANCE LAWS

PART II

SUMMARIES OF STATE CAMPAIGN FINANCE LAWS

Summaries of the campaign finance law in each state and the District of Columbia are presented in this part of the report. Each summary is a synopsis of the state law in effect through December 31, 1985, concerning the following campaign finance-related subjects:

- Contribution and solicitation limitations
- Expenditure limitations
- Reporting requirements
- Public financing provisions
- Tax provisions
- Post-election requirements
- Offenses and penalties
- Regulatory agencies

The summaries include the most important requirements of the law as found in statutory codes and, if available, administrative codes, advisory opinions of the state regulatory agency, attorney general opinions, court decisions, and guidance manuals prepared by the state regulatory agency. Since each summary is current through December 31, 1985, and changes in state law after that date are not included, the reader is advised that it is essential that other sources be consulted for subsequent changes. It is suggested that the reader contact the state agency with responsibility for the administration and enforcement of the state's election campaign finance law (names, addresses, and telephone numbers are included in Chart 1 of the preceding part of the report) or review the most recent amendments to the state's statutory and administrative codes.

The law concerning state and local elections is covered in each summary; however, state requirements for federal elections are also included to the extent that state law has not been superseded by the Federal Election Campaign Act of 1971, as amended. The provisions of this act and regulations of the Federal Election Commission supersede and preempt any provision of state law with respect to federal office, and the Federal Election Commission by regulation has stated that the act supersedes state law concerning the organization and registration of political committees supporting federal office candidates, disclosure of receipts and expenditures regarding federal office candidates and political committees, and limitations on contributions and expenditures regarding federal office candidates and political committees. The act does not supersede state law providing for a candidate's personal financial disclosure, and copies of reports required to be filed under the act must also be filed either with the secretary of state of the state or with the state officer who is charged with maintaining state election campaign finance reports.

CAMPAIGN FINANCE LAW
IN ALABAMA

I. INTRODUCTION

Alabama requires all political committees to file information on all contributions and expenditures in a single report after each election. Corporate contributions are limited to $500 to any one candidate, political committee, or political party per election, and public utilities may not make direct campaign contributions. Government employees may contribute to political activities at all levels of government, except their own. All other individuals and entities may contribute unlimited amounts to candidates and committees. Alabama offers no tax incentives for political contributions, but provides a tax surcharge mechanism for designating contributions to political parties. The secretary of state is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTIONS AND SOLICITATION LIMITATIONS

A. Limitations on Nature of Contributions. All contributions, donations, and subscriptions made for, or on behalf of, any candidate must be made to the candidate's designated committee [1].

A corporation may contribute to an individual seeking public office even though the person has not yet formally qualified nor made a public announcement of candidacy [2].

B. Limitations on Amount of Contributions. An individual, political party, labor union, political action committee, or other political committee is permitted to contribute unlimited amounts to any individual campaign [3].

A corporation, other than a public utility that is regulated by the public service commission, is permitted, in each separate election, to contribute money or in-kind services not to exceed $500 to any one candidate, political committee, or political party, or to aid or defeat any question or proposition [4]. A parent-subsidiary corporation is considered to be a single entity for the purposes of the $500 limit [5]. A corporation is not limited in the number of $500 contributions that it may make [6]. The Attorney General of Alabama has issued an opinion that the $500 limitation on corporate contributions to aid or defeat a ballot question or proposition is unconstitutional [7]. A non-profit corporation may contribute unlimited amounts in support of, or in opposition to, any ballot question or proposition [8]. A corporation regulated by the public service commission is prohibited from passing along to its customers any contribution made to establish, administer, or solicit contributions to a separate segregated fund [9].

A corporation may contribute a maximum of $1,000 ($500 for the primary election and $500 for the general election) to a political committee prior to the primary election, but a contribution for a run-off election may not be made until it is determined that there will be a run-off [10].

C. Limitations on Solicitations. A political action committee or separate segregated fund faces special restrictions on soliciting contributions. Corporate funds must not be a part of the voluntary contribution fund [11]. Contributions to the fund may not be solicited or secured by physical force, job discrimination, financial reprisals, or threats of these actions, or by dues, fees, or other money required as a condition of employment or obtained in any commercial transaction [12]. Contribution solicitations are to be accompanied by information about the purposes of the fund and the right to refuse to contribute without reprisal [13].

It is a corrupt practice for any person or political committee to solicit from corporations prohibited from making contributions any such gift, payment, expenditure, contribution, or any promise to give, pay, expend, or contribute [14].

State employees may not use any state funds, property, or time for any political activities, and it is unlawful for any officer or employee to solicit any type of political campaign contributions from other employees supervised by the individual [15].

Contributions may not be solicited from or made by any state employee in the classified service for state political activities, but are permitted for city and county political activities [16]. A city employee may contribute to county and state political activities, and a county employee may contribute to city and state political activities [17].

No person may demand, ask, or invite any payment or contribution for any religious, charitable, or other cause or organization supposed to be primarily for the public good from any candidate for nomination or election [18], nor demand, solicit, ask, or invite any candidate for nomination or election for public office or party position or any political committee to subscribe for the support of any club or organization, or to buy tickets to any entertainment or ball, or to pay for space in any book, program, periodical, or publication [19]. The latter restrictions do not apply to the solicitation of any business advertising in periodicals in which the candidate was a regular subscriber prior to his candidacy, to ordinary business advertising, or to the regular demands of any organization, religious, charitable, or otherwise, of which he was a contributor for more than six months before his candidacy, or to any ordinary contributions at church services [20].

III. LIMITATIONS ON EXPENDITURES

A. Limitation on Nature of Expenditures. The making of any expenditures in aid of any candidate by any person, committee or corporation other than by and through the committee named and designated by the candidate under law is a corrupt practice [21].

Not all campaign expenditures are legal [22]. Campaign expenditures may only be made for certain matters and services at their reasonable, bonafide and customary value [23]. These are limited to expenditures for the candidate's travel expenses while campaigning [24]; filing fees [25]; stenographic work [26]; clerks at the campaign headquarters to address, prepare, and mail campaign literature [27]; telegrams, telephone, postage, freight, express, and stationery costs [28]; a list of voters [29]; office rent [30]; newspaper and radio advertising [31]; preparation, printing, and publication of posters, lithographs, banners, notices, and literary material, reading matter, cards, and pamphlets [32]; compensation of agents to supervise and to prepare and distribute such articles and advertisements [33]; rent of halls in which to address voters [34]; and the hire of bands or musicians [35]. The secretary of state has noted that an obvious omission from the list of permissible expenditures is payment for television advertising, but further suggests that it is assumed that this legislative omission would be allowed under the First Amendment of the U.S. Constitution [36].

B. Limitations on Corporate Expenditures. A corporation is not permitted to directly place an advertisement in its own name in support of a ballot question or proposition [37]. A non-profit corporation is permitted to expend an unlimited amount of funds to aid or defeat such measures [38].

IV. REPORTING REQUIREMENTS

A. Registration. Within five days after the announcement of his candidacy for any office, each candidate for a state office, including state senate and house of representatives, must file with the secretary of state; each candidate for a county office or the state house of representatives must file with the judge of probate of the county; and each candidate for a circuit or district office, including the state senate, must file with the judge of probate of each county in the circuit or district, a statement showing the name of from one to five persons selected to receive, expend, audit, and disburse all moneys contributed, donated, subscribed, or in any way furnished or raised to aid or promote the nomination or election of the candidate, together with a written acceptance of the persons to serve as a committee, although the candidate may choose to personally act as the committee [39]. The statement is considered to be timely filed if it is postmarked not later than the 5th day after the candidate's announcement [40].

B. Statement of Campaign Contributions and Expenditures. Within 15 days after a primary and within 30 days after any other election, every committee must file a statement with the appropriate filing officer that includes tlv jg*vb "c gtt &"jdmx!rd"mb "c *"mv dlqj 2UQ qj/ dlv q*"rjd ©x●vj !a vg&lf gj/ g txbd "c gtt ©xcdbf t"qjbf "m &"jdmx!rdx"jb *g/v -PU8u The statement must also itemize all expenditures of more than $5, and give the names of those to whom the money was paid, the specific nature of each item, by whom the service was performed, and the purpose of the expenditure [42]. Each statement must be subscribed and sworn to by the committee treasurer [43] and, if the statement is filed by a committee on behalf of any candidate, a candidate's affidavit of correctness is required [44]. A pre-midnight postmark on the day the statement is due qualifies the report as timely filed [45]. The committee of any candidate who is unopposed for nomination or election is not required to file statements of contributions and expenditures [46].

V. PUBLIC FINANCING PROVISIONS

The state revenue commission certifies amounts each December 1st designated by taxpayers to be remitted by the state comptroller by the following January 1st to the appropriate officials of the state governing authority of the designated political party [47].

VI. TAX PROVISIONS

Every individual who files a state income tax return may designate a contribution to a political party in the amount of $1, or $2 for a joint return [48]. Such contributions increase the taxpayer's tax liability by the amount contributed [49].

VII. POST-ELECTION REQUIREMENTS

With the exception of the single post-election statement of contributions and expenditures, Alabama imposes no post-election requirements or responsibilities on individuals or committees.

VIII. OFFENSES AND PENALTIES

A. Corrupt Practices. A candidate's failure to properly appoint a campaign finance committee is a corrupt practice, as is making an expenditure outside those specifically delineated [50], or making an independent expenditure in support of a candidate [51]. A corrupt practice violation is a misdemeanor, and is punishable by a fine of not more than $500 and imprisonment in a county jail or sentencing to hard labor for up to six months [52]. In addition to falling under the corrupt practices penalty provisions, deficiencies in the appointment of a campaign committee may also result in the candidate's name not being placed on the ballot [53]. Similarly, improper or late filing is a corrupt practice, and a winning candidate's failure to file the required statement after an election will result in the certification of nomination or election not being issued to him [54].

B. Offenses by Corporations. A corporation found to be contributing to, or making expenditures on behalf of, a candidate, directly or indirectly, is guilty of a misdemeanor and is subject to a fine between $1,000 and $2,000 by a jury [55].

C. Offenses by State Classified Service Employees. A state classified service employee who contributes to a candidate or political committee forfeits his office or position [56]. If he uses his official authority or position to influence any person's political actions, he is guilty of a felony and is subject to a fine of not more than $10,000, imprisonment in the state penitentiary for not more than 2 years, or both [57].

IX. REGULATORY AGENCIES

A. Secretary of State. The secretary of state serves as chief election officer of the state, and is the filing officer for statewide committees, including those on behalf of candidates for the state senate and house of representatives, and certain judicial offices [58].

B. Judges of Probate. The appropriate office of the judge of probate serves as filing officer for those committees not required to file with the secretary of state [59].

REFERENCES

1. Alabama Code (hereafter AC) § 17-22-8
2. Opinions of the Alabama Attorney General (hereafter Op. Att'y Gen.) January 19, 1982
3. State of Alabama, An Elections Guide For Candidates and Political Committees (hereafter Guide) 2 (1982)
4. AC § 10-2A-70.1(a); Op. Att'y Gen. August 26, 1981. See AC § 17-22-3(6)
5. AC § 10-2A-10.1(a)
6. Op. Att'y Gen. August 26, 1981
7. Op. Att'y Gen. November 19, 1981; Op. Att'y Gen. March 2, 1982
8. AC § 10-2A-70.2
9. AC § 10-1-2(b)(4)
10. Op. Att'y Gen. May 21, 1982
11. AC § 10-1-2
12. AC § 10-1-2(b)(1)
13. AC §§ 10-1-2(b)(2), (3)
14. AC § 17-22-3(8)
15. AC § 17-2-5(c)
16. AC §§ 36-26-38(a); 17-1-7(a)(3)
17. AC §§ 17-1-7(a)(1), (2)
18. AC § 17-22-3(4)
19. AC § 17-22-3(5)
20. AC § 17-22-3(5)
21. AC § 17-22-8
22. Guide 3
23. AC § 17-22-4
24. AC § 17-22-4(1)
25. AC § 17-22-4(2)
26. AC § 17-22-4(3)
27. AC § 17-22-4(4)
28. AC § 17-22-4(5)
29. AC § 17-22-4(6)
30. AC § 17-22-4(7)
31. AC § 17-22-4(8)
32. AC § 17-22-4(9)
33. AC § 17-22-4(10)
34. AC § 17-22-4(11)
35. AC § 17-22-4(12)
36. Guide 5
37. Op. Att'y Gen. November 19, 1981
38. AC § 10-2A-70.2
39. AC § 17-22-5
40. AC § 17-22-5
41. AC § 17-22-10
42. AC § 17-22-10
43. AC § 17-22-10
44. AC § 17-22-11
45. AC § 17-22-10
46. AC § 17-22-9
47. AC § 40-18-146(c)
48. AC § 40-18-146(b)
49. AC § 40-18-146(b)
50. See AC § 17-22-4
51. AC §§ 17-22-7; 17-22-8
52. AC § 17-22-15
53. AC §§ 17-22-6; 17-22-7
54. AC §§ 17-22-11; 17-22-12
55. AC § 10-2A-70
56. AC § 36-26-38(b)
57. AC § 17-1-7(b)
58. AC § 17-22-9
59. AC § 17-22-9

CAMPAIGN FINANCE LAW
IN ALASKA

I. INTRODUCTION

Alaska's campaign disclosure law applies in every election for governor, lieutenant governor, state house of representatives, state senate, delegate to a constitutional convention, a judge seeking electoral confirmation, ballot proposition, and to every municipal candidate in municipalities with more than 1,000 inhabitants, unless that municipality has voted to exempt itself from the requirements. The campaign disclosure law provides for three different kinds of reports a candidate might file, and imposes limitations on the types and amounts of contributions and expenditures that may be lawfully made or received in relation to a campaign. The Alaska public offices commission administers the law, and the attorney general is responsible for enforcement. A municipality is not prohibited from regulating campaign contributions and expenditures by ordinance.

II. CONTRIBUTION AND SOLICITATION REQUIREMENTS

A. Definition of Contribution. A contribution is a purchase, payment, promise, or obligation to pay; loan or guarantee; deposit or gift of money, goods, or services for which a charge is ordinarily made, and which is made for the purpose of influencing the nomination or election of a candidate or for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation for the personal services of another person which are rendered to the candidate or political party [1]. A contribution includes professional services volunteered by individuals for which they ordinarily would be paid a fee or wage [2]; donated services, where the services performed are the same kind for which the donor has received more than 25% of his income in any one of the preceding three calendar years [3]; value of donated services at the amount which the donor received for the kind of services contributed [4]. A loan from an individual or person to a candidate is considered a contribution, to the extent of the outstanding balance [5]. A loan to a candidate from a regulated lending institution, which is endorsed, guaranteed, or co-signed by a person or persons other than the candidate, is considered a contribution, to the extent of the outstanding balance [6]. When a loan is endorsed, guaranteed, or co-signed by more than one person, each guarantor's contribution is calculated by dividing the amount of the loan by the number of persons who guaranteed it [7].

A contribution does not include non-professional services provided, without compensation by an individual volunteering a portion of his time on behalf of a candidate or ballot proposition or question [8]; services provided by an accountant or other person to prepare required reports and statements [9], including legal assistance in complying with reporting requirements [10]; or ordinary hospitality in a home [11].

B. Limitations on Contribution Amounts. No person or group, including but not limited to all political committees, businesses, corporations, and labor unions, may contribute more than $1,000 a year on behalf of, or in opposition to, the competing candidates for each elective office [12]. Political parties and their subdivisions are not subject to this limitation [13], nor is a candidate prohibited from contributing more than $1,000 of his own money to his own campaign [14]. An individual or group, including, but not limited to, all political committees, businesses, corporations, and labor unions, may contribute more than $1,000 a year to a ballot proposition or question [15]. A draft group may not accept contributions in excess of $1,000 from any person or group [16], nor may it make contributions to, or contribute previously produced material to, any person who has declared that he is seeking office or who has filed a declaration of candidacy, nominating petition, or become a candidate by any other means [17].

C. Limitations on Nature of Contributions. No contribution of more than $100 may be made in cash or by cash payment, and such a contribution may not be accepted by, or on behalf of, a candidate [18]. No contribution may be made, directly or indirectly, in a fictitious name, or by one person or group in the name of another, to influence the election of a candidate in an election [19]. A business entity may not use its funds to make a campaign contribution on behalf of a client who is to repay the business at a later date, unless the entity making the contribution on behalf of a client has power of attorney for the client; the ability to draw on a bank account of the client as an agent disbursing a client's funds directly; or guardian status of the client's funds [20]. A contribution made by a person wishing to remain anonymous and received by a candidate, campaign treasurer, or deputy campaign treasurer may not be used or expended, but must be returned to that donor, if his identity is known, and, if no donor is found, the contribution escheats to the state if not donated by the candidate to the charity of his choice [21]. No person may give, render, pay, offer, solicit, or accept money, service, or other valuable thing in connection with an appointment, promotion, or advantage in a position with the classified service [22]. No person may require an assessment, subscription, contribution, or service for a political party from an employee in the classified service [23].

A contribution to a candidate or a political committee may be received by only the candidate, campaign treasurer, or deputy campaign treasurer [24].

III. EXPENDITURE LIMITATIONS

A. General Considerations. Alaska law on campaign expenditures has not been amended since the U.S. Supreme Court invalidated the independent expenditure ceiling and ceiling on overall campaign expenditures contained in the Federal Election Campaign Act [25]. The court's holding has been accepted as law in Alaska, and the expenditure limitations of the campaign disclosure law have not been enforced [26]

B. Definition of Expenditure. An expenditure is a purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of influencing the nomination or election of a candidate, or of any individual who files for nomination at a later date and becomes a candidate [27]; use by a political party [28]; payment, by a person other than a candidate or political party, of compensation for the personal services of another person which are rendered to a candidate or political party [29]; or influencing the outcome of a ballot proposition or question [30]. An expenditure does not include a candidate's filing fee or the cost of preparing required statements or reports [31]. Fees for inclusion in the state's voter information pamphlet are similar in nature and are not necessarily reportable [32].

C. Limitations on Expenditure Amounts. No person or group, including, but not limited to, all political committees, businesses, corporations, and labor unions, may expend more than $1,000 a year on behalf of, or in opposition to, the competing candidates for each elective office [33]. Political parties and their subdivisions are not subject to this limitation [34]. Individuals or groups, including but not limited to, all political committees, corporations, businesses, and labor unions, are specifically permitted to expend more than $1,000 a year on behalf of a ballot question or proposition [35].

The total amount of expenditures made by a candidate and all groups operating under the candidate's control may not exceed 40¢ times the total population of the state, according to the latest federal census figures or estimates of population certified as correct by the department of community and regional affairs, if the candidacy is for governor or lieutenant governor, and no more than 50% of this amount may be spent in a primary election campaign, and no more than 50% of this amount may be spent in the general election campaign [36]; $1 times the total population of the geographical area of the constituency divided by the number of seats in the senate district, if the candidacy is for the state senate [37]; or $1 times the total population of the geographical area divided by the number of house seats in the house district if the candidacy is for state house of representatives [38]. These expenditure limitations include expenditures for both a primary and a general election campaign, or for a special election [39], and are to be adjusted each general election year by the commission to reflect cost-of-living changes as determined and published by the bureau of labor statistics of the United States department of labor [40].

D. Limitations on Nature of Expenditures. No expenditures of more than $100 may be made in cash or by cash payment, unless a written receipt is obtained and filed with the Alaska public offices commission [41]. No expenditure may be made or incurred, directly or indirectly, anonymously, in a fictitious name, or by one person or group in the name of another to influence the election of a candidate in an election [42]. An expenditure of a candidate or political committee may only be made by the candidate, campaign treasurer, or deputy campaign treasurer [43]. No campaign expenditure, of any type may be made by any candidate, treasurer, or group unless the source is disclosed as required by law [44].

No political campaign expenditure may be made or incurred by a person in an election, or by a person or group with his knowledge and on his behalf, before the date upon which he files for nomination for the office which the person seeks, except for personal travel expenses or for opinion surveys or polls [45]. These expenditures are charged against the spending limitation that applies to the office for which he subsequently files [46].

E. Independent Expenditures. There is no limit on the amount or frequency of independent expenditures [47], a disbursement of funds which is made expressly to support or oppose an individual's candidacy or a ballot issue [48]. An independent expenditure is not made with the cooperation, consent, in consultation with, or at the request or suggestion of a candidate, a candidate's campaign committee, or a group [49]. An expenditure made at the request of, in consultation with, or at the suggestion of a candidate, a candidate's committee, or a group supporting or opposing a ballot issue is considered an in-kind contribution by the person making the expenditure [50].

F. Expenditures by Draft Groups. A draft group may make expenditures in order to raise, through contributions to the group, the money necessary to defray its own administrative costs [51], and attempt to draft persons to become candidates, including the expenditure of money to extoll the qualities of persons the group is attempting to draft [52], and inform the general public both of the group's position on issues and the qualities of leadership it seeks in potential candidates [53]. A draft group may not make any expenditures which may benefit a person whom the group has successfully drafted for office, and who has made it known that he will be seeking election to public office, except for personal travel expenses, opinion surveys, or polls; however, the group may continue in its attempts to draft other persons for elective office [54]. A draft group may not expend funds on behalf of any person who has declared that he is seeking office, or who has filed a declaration of candidacy, a nominating petition, or become a candidate by any other means [55].

IV. REPORTING REQUIREMENTS

A. General Requirements. Each candidate in every election for governor, lieutenant governor, member of the state legislature, delegate to a constitutional convention, or judge seeking electoral confirmation, and municipal candidates in a municipality with more than 1,000 inhabitants that has not voted to exempt its elected municipal officers from the disclosure requirements, must file periodic campaign disclosure reports [56]. Nine municipalities have exempted themselves from the disclosure requirements: Barrow, Bristol Bay Borough, Cordova, Dillingham, City of Haines, Kotzebue, Nome, Petersburg, and Wrangell [57].

An individual, municipality, group, or ongoing organization may also be required to file a disclosure report under certain circumstances [58]. A group is defined as each state and regional executive committee of a political party or as any combination of two or more persons or individuals acting jointly, with the major purpose of influencing the outcome of an election [59]. A political action committee; a group organized to sponsor a statewide initiative, referendum, or recall petition; and a group specifically organized to support or oppose candidates, ballot propositions, or questions, are each required to register as a group [60]. An ongoing organization is an organization formed for nonpolitical purposes that decides to support a candidate or campaign for passage of a ballot issue, such as a business, trade association, union, or service organization [61]. The commission has ruled that a group does not include an organization or business trade association, if the major purpose is other than to influence the outcome of an election, and if the money for any political contributions or expenditures is paid from the general fund as opposed to a special fund [62]. A business entity or labor organization making a contribution or expenditure from its general fund or treasury, for the purpose of influencing the outcome of an election, must make a full report of its activity [63]. Persons residing outside the State of Alaska are subject to the same reporting requirements, restrictions, and responsibilities as those placed upon persons residing within the state [64].

B. Registration. Each group, before making an expenditure on behalf of, or in opposition to, a candidate or a contribution to a candidate, must register with the commission [65]. If the group intends to support or oppose only one candidate, or to contribute to or expend on behalf of, or in opposition to, one candidate 50% or more of its funds, the name of the candidate must be part of the name of the group [66]. Each group, before making an expenditure in support of, or in opposition to, a ballot measure, must register with the commission [67].

Each candidate and group must appoint a campaign treasurer, who may be a candidate [68]. Each group must file the name and address of its campaign treasurer with the commission at the time it registers with the commission [69]. Each candidate for state office must file the name and address of the campaign treasurer with the commission, or submit that information to the lieutenant governor for filing with the the commission, no later than 15 days after the date of filing his declaration of candidacy or nominating petition [70]. Each candidate for municipal office must file the name and address of the treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or nominating petition [71]. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer [72]. In the case of the death, resignation, or removal of a campaign treasurer, the candidate must appoint a successor as soon as practicable, and file his name with the commission within 48 hours of the appointment [73]. A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary [74]. The candidate must file the names and addresses of the deputy campaign treasurers with the commission [75].

C. Reporting by Contributors and Suppliers. A person or group contributing to a candidate over $250, or contributing goods or services to a candidate with a value of more than $250, to influence the election of a candidate must furnish the commission a signed statement itemizing the contributions and goods, and stating that the contribution consists of funds or property belonging to the contributor, and has not been given or furnished by another group [76].

Every individual, person, or group making a contribution of cash, goods, or services valued at more than $100 a year to any group or candidate [77]; or any expenditure for advertising in newspapers, on radio, or on television, or for the publication, distribution, or circulation of brochures, flyers, or other campaign material for any candidate or ballot proposition or question, must file a full report with the commission containing the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures [78].

During each year in which an election occurs, all businesses, persons, or groups which furnish any of the following services, facilities, or supplies to a candidate group must maintain a record of each transaction: newspaper, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, research and professional campaign consultation or management, media production or preparation, or computer services [79]. The supplier must file a report of the complete record of each transaction with all candidates or groups to whom the supplier provides services, facilities, or supplies in excess of $250 in the aggregate with the commission [80].

D. Reporting by Candidates and Groups. Each candidate [81] and group [82] must make a full report to the commission of contributions and expenditures. The report must be certified correct by the candidate or campaign treasurer [83], or by the group's treasurer [84]. The group's report must list the name and address of each officer and director [85]. Each candidate or group filing a report must identify each monetary contribution or aggregate of contributions from the same contributor, which totals in excess of $100, by reporting the date received [86], the check number [87], the name and address of the contributor [88], and the amount [89]. Each non-monetary contribution or aggregate of non-monetary contributions from the same contributor, valued at more than $100 a year, must be identified by reporting the date received [90], the name and address of the contributor [91], the principal occupation and employer of the contributor [92], a description of the contributions [93], and the estimated fair market value [94]. Each loan or aggregate of loans from the same contributor, which totals in excess of $100, must also be identified by reporting the date received [95], the name and address of the lender, guarantor, or co-signer [96], the principal occupation and employer of the lender, loan guarantor, or co-signer [97], the interest rate [98], and the amount [99]. Each paid expenditure must be identified by reporting the date of payment [100], the check number [101], the name and address of the payee [102], the purpose of the expenditure [103], and the amount [104]. Finally, each accrued expenditure must be identified by reporting the date the expenditure was incurred [105], the name and address of the business or individual with whom the debt was incurred [106], the purpose of the accrued expenditure [107], and the amount [108]. When reporting monetary and non-monetary contributions or loans, a cumulative total must be kept by each candidate or group of the contributions, including loans made to it, and reported when monetary contributions by the same contributor bring the total to more than $100 [109], non-monetary contributions by the same contributor bring the estimated total value to more than $100 [110], loans by the same lender, guarantor, or co-signer bring the estimated total value to over $100 [111], or a combination of monetary and non-monetary contributions or loans by the same contributor brings the total to more than $100 [112].

Whenever a required report includes an expenditure to an advertising agency, or to an individual or business which provides campaign consultation or management services, the report must be accompanied by a statement detailing all services rendered, including the identity of each business from which campaign goods or services were purchased or subcontracted, or media advertising placed, and their costs [113].

If a business entity or labor organization maintains a contingency fund, a discretionary account established separate from the business entity or labor organization's general treasury, and the head or principal executive officer of the business entity or labor organization certifies, under oath and upon penalty of perjury, that none of its contingency fund money is used for political purposes [114], that its contingency fund is funded only through a voluntary uniform assessment, or non-voluntary but uniform assessment [115], and accepts no individual contributions into the contingency fund [116], it must report the name and address of each subscriber to the contingency fund, his principal occupation and employer, and the amount paid into the fund by the subscriber, if the subscriber has promised to pay, paid directly, or otherwise paid or contributed into the fund an amount exceeding $100 in a calendar year [117].

E. Filing Deadlines. Each candidate and group must make a full report to the commission during the period ending three days before the due date of the report, and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the due date of the report [118]. The report is to be filed 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election [119]; one week before the election [120]; 10 days after the election [121]; and December 31st of each year for expenditures and contributions received which were not reported that year [122]. Within 30 days after each election, each supplier must make a full report to the commission [123]. A statement by a contributor is to be filed with the commission no later than 10 days after the contribution is made [124]. Every individual, person, or group who makes a contribution or expenditure under §15.13.040(d) must file a full report with the commission no later than 10 days after the contribution or expenditure is made [125]. A group formed to sponsor an initiative, a referendum, or a recall must report 30 days after its first filing with the lieutenant governor, and thereafter within 10 days after the end of each calendar quarter, on the contributions received and expenditures made during the preceding calendar quarter, until reports are due under the regular election reporting schedule [126].

Each contribution exceeding $250 and made within one week of the election must be reported to the commission by date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the candidate or committee treasurer [127].

Each report that is required to be filed must be received by the commission on or before the due date [128]. Except for the 24-hour report, "received" means either hand-carried to the commission's central office or its branch office in the state capital [129]; or postmarked [130]. The 24-hour report must be filed with the commission's central office either by a collect telegram or by actual physical delivery [131]. The 24-hour report may not be mailed [132].

The disbursement of a surplus balance of a candidate's or group's campaign account must be reported to the commission within 10 days after final disposition of the balance [133].

Before a civic league or organization becomes eligible for favorable tax treatment of contributions to it, the civic league or organization must report the total amount of contributions received for the reporting period, and, for any contribution over $100, the name of the contributor and the amount contributed [134]. Reports are to be filed on February 10th, April 25th, and July 10th of each year, listing contributions received during the period that ended 10 days earlier [135].

When a municipality seeks to influence the outcome of an election, it reports in the same manner as a group [136]. The municipality must list the names and addresses of its mayor, council, or assembly members, finance director, controller, treasurer, or equivalent officers [137]. For the source of contributions, the municipality must list the particular fund from which the appropriation is made [138]. All communications that are paid for by a municipality and are related to an election are considered to be intended to influence the outcome of an election, unless they are only notices of the election or are required by statute, charter, or ordinance [139].

F. Exemptions From Reporting. A candidate who does not intend to receive or accept contributions or make expenditures during his campaign for municipal or state public office, including any personal campaign contributions, may file a campaign reporting exemption form [140]. A candidate who files the exemption form is not required to submit any other reports to the commission concerning his campaign [141]. The reporting exemption is revoked if a candidate accepts contributions or spends money to influence his election [142]. A candidate whose exemption is revoked must immediately register the change of status, and must disclose his campaign contribution and expenditure activity beginning with the first campaign disclosure report due following the change of status [143]. The treasurer of a political party subdivision or political action committee previously registered with the commission that does not intend to receive or accept contributions or make expenditures during a municipal election, may also file a reporting exemption form under the same conditions [144].

Non-party candidates, groups formed to influence the outcome of a ballot issue not appearing on the primary ballot, political party subdivisions, and multi-candidate political action committees that do not make campaign-related expenditures to benefit a candidate on the primary ballot, but that may receive contributions and make administrative expenditures during the primary reporting period, are not required to file the three primary election campaign disclosure reports [145].

V. TAX PROVISIONS

A natural person is entitled to a tax credit, not to exceed $50 for the amount of political campaign contributions made within the tax year, including, but not limited to, a contribution or gift to a person or organization for use exclusively for political campaigns for candidates for president or vice president of the United States, whether or not they will be voted on in a primary election in Alaska; United States senator from Alaska; United States representative from Alaska; governor or lieutenant governor of Alaska; the Alaska legislature; delegate to an Alaska constitutional convention; electoral confirmation of a judge or justice of a court in Alaska; municipal office in Alaska; for groups seeking to influence the outcome of a ballot propostion or question; or dues to a nonprofit organization organized primarily for the purpose of influencing elections [146]. Contributions must be in the form of money to qualify for the credit [147]. This credit is in place of the federal tax credit for contributions to candidates for public office [148].

VI. POST-ELECTION REQUIREMENTS

A candidate disbursing the surplus balance in his campaign account may give the money to charity [149]; repay contributors [150]; repay himself, if he made contributions to the campaign [151]; take as income any money that exceeds the amount he personally contributed to the campaign [152]; leave the money in a campaign account until the next time he campaigns for elective office, with any interest realized the campaign account surplus to remain in the account and be reported on the first report required when he is again a candidate for elective office [153]; contribute the money to another candidate or a group controlled by a candidate, up to the $1,000 limitation, or to a political party or group supporting a ballot proposition or question [154]; or transfer the money to his office allowance fund [155].

A group disbursing the surplus balance in its campaign account may give the money to charity [156]; repay contributors [157]; leave the money in a campaign account until the following election, if the group plans to remain active, with any interest realized from the campaign account surplus to remain in the account and be reported on the first report required of the group when it is again active in an election [158]; or contribute the money to a candidate or a group controlled by a candidate, subject to the $1,000 limitation and other prohibitions of the law, or to a political party or group supporting a ballot proposition or question [159].

Any candidate or group wishing to disburse the surplus balance in a campaign account in a manner not described under the regulations may request commission review and approval of the manner in which he or it wishes to disburse the surplus [160].

VII. OFFENSES AND PENALTIES

A person who violates the campaign disclosure law is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than one year or by a fine of not more than $5,000 [161]. A violation includes, but is not limited to, failing to file a required statement or report, or failing to make a statement or report at the required time [162]; making a campaign contribution or expenditure which exceeds the limitations [163]; making a false statement or report under the law [164]; giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, in the name of another, or making such a contribution [165]; or knowingly accepting an illegal contribution [166].

The candidate is responsible for the performance of his campaign treasurers, and any default or violation by the treasurer also may be considered a default or violation by the candidate, if he knew or had reason to know of the default or violation [167]. If after being sworn into office, a person who was a successful candidate, or the campaign treasurer or deputy campaign treasurer of a person who was a successful candidate, is convicted of a violation of the campaign disclosure law, proceedings must be held and appropriate action taken in accordance with art. II, sec. 12, of the state constitution, if the candidate is a candidate for the state legislature [168]; art. II, sec. 20 of the state constitution, if the candidate is a candidate for governor or lieutenant governor [169]; AS 29.23.170, if the candidate is a candidate for the borough assembly [170)]; AS 29.23.280, if the candidate is a candidate for borough mayor [171]; AS 29.23.170, if the candidate is a candidate for city council [172]; AS 29.23.280, if the candidate is a candidate for city mayor [173]; the provisions of the call for constitutional convention, if the candidate is a candidate for constitutional convention delegate [174]; or art. IV, sec. 10, of the state constitution, if the candidate is a candidate for judicial retention [175].

The election of a candidate to the state legislature or to municipal office who knowingly commits a corrupt practice or whose campaign treasurer or deputy campaign treasurer knowingly commits a corrupt practice is voidable [176].

A person who fails to file a properly completed and certified report within the time required is subject to a civil penalty of $1 a day, up to a maximum of $10, for the reports due 30 days before and 10 days after an election [177], and $5 a day, up to maximum of $50, for the reports due one week and 24-hours before an election [178], if the report is delinquent 30 days or less [179]. If the report is delinquent more than 30 days, then the commission will, in its discretion and on a case-by-case basis, assess a civil penalty not to exceed $10 a day for all required reports, except for the reports due one week and 24-hours before an election, which may be assessed a civil penalty of not more than $50 a day [180].

Prosecution for violation of a provision of the campaign disclosure law may not be commenced after four years have elapsed from the date of the alleged violation [181].

VIII. REGULATORY AGENCIES

A. Alaska Public Offices Commission. The Alaska public offices commission administers the campaign disclosure law [182]. The governor appoints two members of each of the two political parties whose candidate for governor received the highest number of votes in the most recent preceding general election at which a governor was elected [183]. The two appointees from each of these two parties must be chosen from a list of four names submitted by the central committee of each party [184]. These four members must, by majority vote, appoint the remaining member of the commission [185]. The commission is housed in the department of administration [186]. The commission may employ an executive director and other necessary employees [187].

The commission must establish a regional office in each senate district and keep on file for public inspection copies of all reports filed with the commission by candidates for statewide office and by candidates for legislative office in that district [188]. However, where one municipality contains more than one election district, only one commission office must be established in that municipality [189]. The regional office must make all forms and pertinent material available to candidates [190]. All reports are to be filed by candidates, groups, and individuals directly with the commission's central district office [191]. The commission must ensure that copies of all reports by statewide and legislative candidates in each senate district are forwarded promptly to that district or regional office [192], and that copies of reports filed by candidates for municipal office are made available for public inspection in the appropriate municipality [193]. In state election years, the commission contracts with a municipal clerk's office in each senate district to provide forms to state candidates and state groups in the region and keep on file copies of reports [194]. These offices are City of Bethel; Fairbanks North Star Borough; Kenai Peninsula Borough; Ketchikan Gateway Borough; Kodiak Island Borough; Matanuska-Susitna Borough; City of Nenana; City of Nome; and the City and Borough of Sitka [195].

The commission is required to develop and provide all forms for the required reports and statement [196]; prepare and publish a manual setting out uniform methods of bookkeeping and reporting for the use of persons required to make reports and statements, and otherwise assist candidates, groups, and individuals in complying with requirements [197]; receive and hold open for public inspection required reports and statements, and, upon request, furnish copies, at cost, to interested persons [198]; compile and maintain a current list of all filed reports and statements [199]; prepare a summary of each required candidate group within 30 days after each election, and make copies available to interested persons at their actual cost [200]; notify by registered or certified mail, all persons who are delinquent in filing required reports and statements within five working days after the due date of the report [201], and send notice of a civil penalty assessed against the candidate or group within five working days after receipt of a delinquent report, or in the case of non-receipt of a 24-hour report, within 15 days from receiving the information, including a statement of the amount of the assessment [202], and an affidavit appeal form [203]. The commission must also report, within 60 days after the election, the names of all persons and groups who have failed to comply with any of the provisions of the law to the attorney general [204]; examine, investigate, and compare all reports, statements, and actions required by the law, and report to the attorney general the names of all persons or groups that the commission has substantial reason to believe violated the campaign disclosure law [205]; prepare and publish an annual report to the legislature concerning the activities of the commission, the effectiveness of the campaign disclosure law, its enforcement by the attorney general's office, and recommendations and proposals for change [206]; and adopt any regulations necessary to implement and clarify the law [207].

A person who believes a violation of the law has occurred may file a complaint with the commission [208]. A complaint must be in writing, and must contain the complainant's full name and mailing address [209]; the name of the person or group alleged to be in violation [210]; allegations of specific facts that, if true, would constitute a violation of the law or regulations [211]; and the basis of the complainant's knowledge of the alleged facts [212]. The complaint must be signed by the complainant, and the signature is to be verified by a person authorized to administer oaths [213].

If the commission believes that there is cause to credit the allegations in the complaint [214], or determines there is substantial reason to believe that a violation has occurred [215], it must expeditiously conduct a preliminary investigation, which may also include an investigation of reports and statements filed by the complainant, if he is a candidate, of the matter complained of [216]. The commission may compel the attendance of witnesses and the production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions, when consistent with the powers and duties assigned to the commission [217]. The commission may examine the papers, books, records, accounts, and documents of any person subject to the campaign disclosure law to ascertain the correctness of a report filed with the commission, or in conjunction with an investigation or inspection [218]. Subpoenas may be issued and served as prescribed by statute [219] and court rule [220]. The failure, refusal, or neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court rule [221]. The superior court may compel obedience to the commission's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court [222]. The commission is also empowered to order a preliminary investigation of a possible violation of the law on its own motion [223].

The executive director of the commission will present the results of the preliminary investigation to the commission for a finding [224]. When, in the judgment of the commission, after affording due process and an opportunity for a hearing, a person has engaged in, or is about to engage in, any acts or practices that constitute or will constitute a violation of a provision of the law or a regulation or order issued under it, the commission must promptly report the information to the attorney general for appropriate action [225]. The commission must report its determination and recommendation to the person who filed the complaint with the commission within 60 days of receiving the complaint, unless circumstances require additional time to make an adequate investigation [226]. The finding of the commission may be appealed to the superior court [227].

The commission also conducts an in-depth examination or audit of a limited number of reports, selected using a computerized random selection process [228]. Barring willful misrepresentation of the reported financial activity, the commission will take no further action against those who are audited, if appropriate amendments are filed resolving any discrepancies found between the audit and the original statements [229].

The commission may act on a sworn affidavit stating facts in mitigation submitted to it by a person against whom a civil penalty for late filing is assessed [230]. An affidavit timely filed will be considered at the next regular meeting of the commission [231]. Claims of postal problems, illness, travel, first offense, neglect, or lack of a courtesy reminder from commission staff are not sufficient, in themselves, to sanction waiver of a fine [232]. In reviewing affidavits appealing assessments, the commission will consider the affiant's efforts to comply and filing history, and the extent to which the circumstance cited was beyond the affiant's control and was directly responsible for the delinquency [233].

If a group's or candidate's appeal is denied by the commission, the commission staff will notify the candidate or group of its decision within 15 days, and require that the civil penalty originally assessed be paid within 30 days after the date of the letter containing notification of the commission's decision [234]. If the appeal is accepted by the commission, commission staff will notify the candidate or group of its decision within 15 days, informing the group or candidate that the civil penalty assessment has been waived and that the matter is considered closed [235]. If an appeal is accepted, in part, by the commission, the commission staff will notify the candidate or group of its decision within 15 days, and require that the reduced civil penalty assessment be paid within 30 days after the date of the letter containing notification of the commission's decision [236].

A candidate or group may appeal the commission's decision to deny or partially accept reasons for lateness to the superior court within 30 days after receipt of notice [237]. If no appeal is made within 30 days and no payment is made, the matter will be referred to the attorney general for appropriate action [238]. If in the opinion of the commission, the public interest warrants, the mission may request the chief justice of the supreme court to appoint a special prosecutor to represent the commission in a proceeding involving an alleged violation of the campaign disclosure law [239]. When the public interest warrants, the commission may employ temporary legal counsel from time to time in matters in which the commission is involved [240].

B. Attorney General. The attorney general is legal counsel for the commission. The attorney general must advise the commission in legal matters arising in the discharge of its duties, and represent the commission in actions to which it is a party [241].

C. Commissioner of Revenue. The commissioner of revenue is required to prepare and furnish to the Alaska public offices commission by July 1 of each year a list of all persons claiming a political contribution tax credit, and dates if available, and the candidates or groups to which the contribution was made [242]. These lists, or parts of them, may not be made public except on order of the Alaska Supreme Court [243].

REFERENCES

1. Alaska Statutes (hereafter AS) § 15.13.130(2)
2. AS § 15.13.130(2)(A)
3. 2 Alaska Administrative Code, Alaska Public Offices Commission (hereafter AAC) § 50.350(a)
4. 2 AAC § 50.250(b)
5. 2 AAC § 50.244(a)
6. 2 AAC § 50.355(b)
7. 2 AAC § 50.355(b)
8. AS § 15.13.130(2)(A)
9. AS § 15.13.130(2)(B)
10. Alaska Public Offices Commission, Policy Decision (hereafter Policy Decision) No. 15.13-82-1, November 18, 1982
11. AS § 15.13.130(2)(C)
12. AS § 15.13.070(a)
13. AS § 15.13.070(a)
14. AS § 15.13.070(a)(1)
15. AS § 15.13.070(a)(2)
16. 2 AAC § 50.362(b)(2)(B)
17. 2 AAC § 50.362(b)(2)(D)
18. AS § 15.13.070(b)
19. AS § 15.13.070(d)
20. Policy Decision No. 15.13-80-2, July 27, 1980
21. AS § 15.13.070(d)
22. AS § 39.25.160(b)
23. AS § 39.25.160(c)
24. AS § 15.13.070(e)
25. 2 U.S.C. § 431 *et seq.*; *Buckley v. Valeo*, 424 U.S. 1 (1976)
26. Alaska Public Offices Commission, AS § 15.13 Campaign Finance Disclosure Law (hereafter Law) 17 (1984); Opinions of the Alaska Attorney General (hereafter Op. Att'y Gen.) May 13, 1976
27. AS § 15.13.130(3)(A)
28. AS § 15.13.130(3)(B)
29. AS § 15.13.130(3)(C)
30. AS § 15.13.130(3)(D)
31. AS § 15.13.130(3)(D)

32. Policy Decision No. 15.13-80-5, July 27, 1980
33. AS § 15.13.070(e)
34. AS § 15.13.070(a)
35. AS § 15.13.070(2)
36. AS § 15.13.070(f)(1)
37. AS § 15.13.070(f)(2)
38. AS § 15.13.070(f)(3)
39. AS § 15.13.070(f)(3)
40. AS § 15.13.070(g)
41. AS § 15.13.070(c)
42. AS § 15.13.070(d)
43. AS § 15.13.070(e)
44. AS § 15.13.070(h)
45. AS § 15.13.100
46. AS § 15.13.100
47. 2 AAC § 50.351(c)
48. 2 AAC § 50.351(a)
49. 2 AAC § 50.351(a)
50. 2 AAC § 50.351(b)
51. 2 AAC § 50.362(b)(1)(A)
52. 2 AAC § 50.362(b)(1)(B)(i)
53. 2 AAC § 50.362(b)(1)(B)(ii)
54. 2 AAC § 50.362(b)(2)(C)
55. 2 AAC § 50.362(b)(2)(D)
56. AS § 15.13.010(a); Alaska Public Offices Commission, APOC Manual for State Candidates (hereafter Candidates Manual) 1 (1982)
57. Candidates Manual 1
58. AS § 15.13.010(b); Alaska Public Offices Commission, APOC Manual for State Groups (hereafter Groups Manual) 1 (1982)
59. AS § 15.13.130(3)
60. Groups Manual 2
61. Groups Manual 2
62. Groups Manual 3; 2 AAC § 50.385(2)(d)
63. 2 AAC § 50.395(a)
64. 2 AAC § 50.397
65. AS § 15.13.050
66. AS § 15.13.050
67. 2 AAC § 50.342
68. AS § 15.13.060(a)
69. AS § 15.13.060(b)
70. AS § 15.13.060(c)
71. AS § 15.13.060(c)
72. AS § 15.13.060(c)
73. AS § 15.13.060(d)
74. AS § 15.13.060(e)
75. AS § 15.13.060(e)
76. AS § 15.13.080
77. AS § 15.13.040(d)(1). *Contra* Law 17, which notes that in 1975, AS § 15.13.080, which requires the filing of statements of contributions by persons and groups other than political committees, was amended to require such statements when more than $250--rather than $100--had been contributed. Even though AS § 15.13.040 (d)(1) was not amended at the same time, such an amendment would have been consistent with the 1975 change, and hence, statements of contributions are requested only at the point when more than $250 has been given given in a year to a candidate or political group.
78. AS §§ 15.13.040(d), (e)
79. AS § 15.13.040(f)
80. AS § 15.13.040(f)
81. AS § 15.13.040(a)
82. AS § 15.13.040(b)
83. AS § 15.13.040(a)
84. AS § 15.13.040(c)
85. AS § 15.13.040(b)(1)
86. 2 AAC § 50.321(a)(1)(A)
87. 2 AAC § 50.321(a)(1)(B)
88. 2 AAC § 50.321(a)(1)(D)
89. 2 AAC § 50.321(a)(1)(E)
90. 2 AAC § 50.321(a)(2)(A)
91. 2 AAC § 50.321(a)(2)(B)
92. 2 AAC § 50.321(a)(2)(C)
93. 2 AAC § 50.321(a)(2)(D)
94. 2 AAC § 50.321(a)(2)(E)
95. 2 AAC § 50.321(a)(3)(A)
96. 2 AAC § 50.321(a)(3)(B)
97. 2 AAC § 50.321(a)(3)(C)
98. 2 AAC § 50.321(a)(3)(D)
99. 2 AAC § 50.321(a)(3)(E)
100. 2 AAC § 50.321(a)(4)(A)
101. 2 AAC § 50.321(a)(4)(B)
102. 2 AAC § 50.321(a)(4)(C)
103. 2 AAC § 50.321(a)(4)(D)
104. 2 AAC § 50.321(a)(4)(E)
105. 2 AAC § 50.321(a)(5)(A)
106. 2 AAC § 50.321(a)(5)(B)
107. 2 AAC § 50.321(a)(5)(C)
108. 2 AAC § 50.321(a)(5)(D)
109. 2 AAC § 50.321(b)(1)
110. 2 AAC § 50.321(b)(2)
111. 2 AAC § 50.321(b)(3)
112. 2 AAC § 50.321(b)(4)
113. 2 AAC § 50.340
114. 2 AAC § 50.395(c)(1)
115. 2 AAC § 50.395(c)(2)(A)
116. 2 AAC § 50.395(c)(2)(B)
117. 2 AAC § 50.395(f)
118. AS § 15.13.110(a)
119. AS § 15.13.110(a)(1)
120. AS § 15.13.110(a)(2)
121. AS § 15.13.110(a)(3)
122. AS § 15.13.110(a)(4)
123. AS § 15.13.110(d)
124. AS § 15.13.080
125. AS § 15.13.040(e)
126. AS §§ 15.13.110(e); 15.13.110(a)
127. AS § 15.13.110(b)

128. 2 AAC § 50.310(a)
130. 2 AAC § 50.310(a)(2)
131. 2 AAC § 50.310(b)
132. 2 AAC § 50.310(b)
133. 2 AAC § 50.400(a)
134. AS § 24.45.116
135. AS § 24.45.116
136. 2 AAC § 50.360(a)
137. 2 AAC § 50.360(a)
138. 2 AAC § 50.360(a)
139. 2 AAC § 50.360(b)
140. 2 AAC § 50.332(b)
141. 2 AAC § 50.332(b)
142. 2 AAC § 50.332(b)
143. 2 AAC § 50.332(b)
144. 2 AAC § 50.332(c)
145. Policy Decision No. 15.13-82-2,
November 18, 1982
146. AS § 43.20.031(f)
147. Department of Revenue, Alaska Tax
Ruling No. 78-1, February 7, 1978
148. AS § 43.20.031(f); Internal Revenue
Code (hereafter IRC) § 41. The
Alaska law goes on to state that the
Alaska credit is also in lieu of the
deduction allowed under former IRC
§ 218, which was repealed by
P.L. 95-600, Act of November 6, 1978.
149. 2 AAC § 50.400(b)(1)
150. 2 AAC § 50.400(b)(2)
151. 2 AAC § 50.400(b)(3)
152. 2 AAC § 50.400(b)(4)
153. 2 AAC § 50.400(b)(5); see also Policy
Decision No. 15.13-80-4, July 27, 1980
154. 2 AAC § 50.400(b)(6)
155. 2 AAC § 50.400(b)(7)
156. 2 AAC § 50.400(c)(1)
157. 2 AAC § 50.400(c)(2)
158. 2 AAC § 50.400(c)(3)
159. 2 AAC ! 50.400(c)(4)
160. 2 AAC § 50.400(d)
161. AS § 15.13.120(a)
162. AS § 15.13.120(a)(1)
163. AS § 15.13.120(a)(2)
164. AS § 15.13.120(a)(3)
165. AS § 15.13.120(a)(4)
166. AS § 15.13.120(a)(6)
167. AS § 15.13.060(f)
168. AS § 15.13.120(f)(1)
169. AS § 15.13.120(f)(2)
170. AS § 15.13.120(f)(3)
171. AS § 15.13.120(f)(4)
172. AS § 15.13.120(f)(5)
173. AS § 15.13.120(f)(6)
174. AS § 15.13.120(f)(7)
175. AS § 15.13.120(f)(8)
176. AS § 15.56.110(a)
177. AS § 15.13.130;
2 AAC § 50.390(d)(1)(A)(i)

178. AS § 15.13.130; 2 AAC §
50.390(d)(1)(A)(ii)
179. 2 AAC § 50.390(d)(1)(A)
180. AS § 15.13.130, 2 AAC § 50.390(d)(1)(B)
181. AS § 15.13.120(a)
182. AS § 15.13.030
183. AS § 15.13.020(b)
184. AS § 15.13.020(b)
185. AS § 15.13.020(c)
186. AS § 15.13.020(a)
187. AS § 15.13.020(i)
188. AS § 15.13.020(j)
189. AS § 15.13.020(j)
190. AS § 15.13.020(j)
191. AS § 15.13.020(j)
192. AS § 15.13.020(j)
193. AS § 15.13.020(k)
194. Groups Manual 1
195. Groups Manual 1
196. AS § 15.13.030(1)
197. AS § 15.13.030(2)
198. AS § 15.13.030(3)
199. AS § 15.13.030(4)
200. AS §§ 15.13.030(5); 15.13.110(c)
201. AS § 15.13.030(6); 2 AAC § 50.390(c)
202. 2 AAC § 50.390(d)(2)(A)
203. 2 AAC § 50.390(d)(2)(B)
204. AS § 15.13.030(7)
205. AS § 15.13.030(8)
206. AS § 15.13.030(9)
207. AS § 15.13.030(10)
208. AS § 15.13.120(d)
209. 2 AAC § 50.450(a)(1)
210. 2 AAC § 50.450(a)(2)
211. 2 AAC § 50.450(a)(3)
212. 2 AAC § 50.450(a)(4)
213. 2 AAC § 50.450(b)
214. 2 AAC § 50.460(a)
215. AS § 15.13.120(d)
216. AS § 15.13.120(d)
217. AS § 15.13.045(b)
218. AS § 15.13.045(c)
219. AS § 44.62.430
220. AS § 15.13.045(d)
221. AS § 15.13.045(d)
222. AS § 15.13.045(d)
223. 2 AAC § 50.460(b)
224. 2 AAC § 50.460(c)
225. AS § 15.13.120(d)
226. AS § 15.13.120(d)
227. AS § 15.13.120(d)
228. Policy Decision No. 15.13-80-7,
October 9-11, 1980; see also AS §
15.13.045(c)
229. Policy Decision No. 15.13-80-7,
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230. AS § 15.13.125
231. 2 AAC § 50.390(g)
232. Policy Decision No. General-83-4,
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233. Policy Decision No. General-83-4,
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234. 2 AAC § 50.390(g)(1)
235. 2 AAC § 50.390(g)(2)
236. 2 AAC § 50.390(g)(3)
237. 2 AAC § 50.390(h)
238. 2 AAC § 50.390(h)
239. AS § 15.13.122(a)
240. AS § 15.13.122(b)
241. AS § 15.13.122
242. AS § 43.05.085
243. AS § 43.05.085

CAMPAIGN FINANCE LAW
IN ARIZONA

I. INTRODUCTION

Arizona requires all candidates, committees, and continuing political organizations to file information on all contributions and expenditures in a report before and after each election, with supplemental reports required for subsequent contributions and expenditures. Direct corporate and labor union contributions are prohibited, but all other individuals and entities may contribute unlimited amounts. Arizona offers a $100 tax deduction ($200 on a joint return) for political contributions, but has no mechanism for public financing of election campaigns. The secretary of state is reponsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is indirectly defined as any payment, loan, gift, advance, deposit, promise of money or its equivalent, or things of value [1].

B. Limitations on Nature of Contributions. An officer or member of a campaign committee, which includes the state central committee or state committees of all political parties, and all county, city, town, or precinct committees of all political parties or of candidates, and any association or combination of persons organized, conducted, or combined for the purpose of influencing the result of any election in the state or in any county, city, town, or precinct in the state regardless of its affiliation with a larger entity primarily organized for other purposes [2], may not receive money or its equivalent, or things of value, until after a chairman and treasurer of the committee have been chosen, and a registration statement is filed [3].

C. Contributions by Corporations, Labor Organizations, and Other Groups. It is unlawful for a corporation [4] or labor organization [5], organized or doing business in Arizona, to make any contribution of money or anything of value for the purpose of influencing any election to any political office, any election to any political convention or caucus, or any primary election held for the purpose of selecting any candidate, political committee, or other person for any political office, convention, or caucus [6]. In the absence of any corporate contribution, an Arizona corporation is permitted to create a political action committee to participate in state and local office elections, even though the committee is identified with the corporation, if the committee is operated free from any corporate support [7].

A corporation that has established a separate segregated fund may not use that fund to make a contribution by using money or anything of value secured by physical force, job discrimination, financial reprisal, or the threat of any of these actions by using dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by using moneys obtained in any commercial transaction [8].

Any person soliciting an employee for a contribution to this fund is required to inform the employee of the political purposes of the fund at the time of the solicitation [9], and of the employee's right to refuse to contribute without reprisal [10].

A corporation or its separate segregated fund may make no more than two written solicitations for contributions during the calendar year from any employee who is not a stockholder or executive or administrative personnel of the corporation, or their families [11]. A permissible solicitation may be made only by mail addressed to employees who are not stockholders or executive or administrative personnel at their residences and must be designed so that the corporation or separated fund cannot determine who makes a contribution of $25 or less as a result of the solicitation and who does not make such a contribution [12].

A labor organization or its separate segregated fund may make no more than two written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation who is not a union member or the families of such persons, if the labor union represents members working for that corporation [13]. A permissible solicitation may be made only by mail addressed to employees who are not union members at their residences, and must be designed so that the labor organization or separate segregated fund cannot determine who makes a contribution of $25 or less as a result of the solicitation and who does not make such a contribution [14].

A membership organization, cooperative, corporation without capital stock, or a separate segregated fund established by such an entity may solicit contributions to the fund from its members [15]. A trade association or its separate segregated fund may solicit contributions from the stockholders and executive or administrative personnel of its member corporations and families of such personnel [16]. Notwithstanding any other provision of the law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a corporation's separate segregated fund that is available to corporations for their stockholders and executive and administrative personnel is also permitted to labor organizations with regard to their numbers [17]. Any corporation, including its subsidiaries, branches, divisions, and affiliates, that uses a method of soliciting voluntary contributions or facilitating the making of voluntary contributions must make the method available, at cost, on written request to a labor organization representing any members working for the corporation or its subsidiaries, branches, divisions, and affiliates [18].

It is unlawful for an employer to knowingly enclose the pay of employees in envelopes upon which there is written or printed any political mottoes, devices, or arguments containing threats, expressed or implied, intended or calculated to influence the political opinions, views, or actions of the employees [19] or, within 90 days of an election provided by law, to post or otherwise exhibit in any place where his employees are working or are present in the course of employment: (1) a handbill, notice, or placard containing a threat, notice, or information that if any particular ticket or candidate is elected or defeated, work in that place or establishment will be closed or the wages of workers reduced, or (2) other expressed or implied threats calculated to influence the political opinions or actions of employees [20].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is indirectly defined as disbursement or a promise of payment or disbursement [21].

B. Limitations on Nature of Expenditures. An officer, member of a campaign committee, or other person acting under its authority or in its behalf may not expend money on behalf of the committee until after a chairman and treasurer of the committee have been chosen, and a registration form has been filed [22]. Every payment or disbursement by a candidate or campaign committee exceeding $10 that relates to the election, except for personal or travel expenses not paid for by campaign funds, is required to be evidenced by a receipted bill stating the particulars of the expense [23].

C. Expenditures by Corporations, Labor Organizations, and Other Groups. Certain corporate and labor organization expenditures are permitted by law [24]. These include communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families, or any subject [25]; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families [26]; and the establishment, administration, and solicitation of voluntary contributions to a separate segregated fund to be used for political purposes by a corporation, labor or membership organization, cooperative, or corporation without capital stock [27]. A membership organization, trade association, cooperative, or corporation without capital stock may engage in any communications, nonpartisan registration, or get-out-the-vote activities if they are directed toward its members, stockholders, or members of its members, its own and its members' executive or administrative personnel, and their families [28].

IV. REPORTING REQUIREMENTS

A. Registration. No contribution may be received and no expenditure may be made by a campaign committee until after a chairman and treasurer have been chosen and the committee files an initial registration form with the secretary of state if for a state measure or office including the legislature, with the clerk of the board of supervisors if for a county measure or office, or with the city or town clerk if for a city or town measure or office [29].

B. Reporting to a Candidate or Campaign Committee. A person acting under the authority or in behalf of a campaign committee who receives any contribution must, within five days after receipt, render a detailed account to the treasurer or the treasurer's designated representative, together with the name and address of the person from whom the contribution is received [30].

C. Reporting by Candidates and Campaign Committees. Each candidate in a primary election for nomination for a public office other than precinct committeeman must file, not more than 15 nor less than 10 days prior to and not more than 20 days after the primary election, an itemized and detailed statement of reportable contributions and expenditures received by him or by anyone for him with his knowledge or consent or made by him or by anyone for him with his knowledge and consent other than a campaign committee registered in support or furtherance of his candidacy [31].

Each campaign committee which engages in political activity in behalf of or against a candidate, including a judge who seeks to be retained in office in the next general election, or in support of or opposition to an initiative or referendum to be voted on at the primary or next general election and collects or expends any money or valuable thing in connection with the activity is required to file a complete report of all money or things with a value of more than $25 which came into the committee's possession, or was expended, together with the names of the contributors, not more than 15 nor less than 10 days prior to and not more than 20 days after the primary election, an itemized and detailed statement of reportable contributions and expenditures [32].

Each candidate for election at any general or special election to a state, county, city, or town office must, not more than 15 nor less than 10 days prior to, and not more than 30 days after the general or special election, file an itemized and detailed statement of all reportable contributions and expenditures received by the candidate, or by anyone for the candidate with the candidate's knowledge or consent, other than from a campaign committee registered in support or furtherance of his candidacy [33].

Each campaign committee which engages in political activity in support or opposition to an initiative or referendum, or in behalf of or against a candidate for election, including a judge seeking retention, and collects or expends valuable things in connection with the activity, must file an itemized and detailed statement of reportable contributions and expenditures [34]. All statements must be signed and sworn to by the chairman and treasurer [35]. The statements must show the name and address of each person who has contributed, promised, loaned, or advanced to the candidate or campaign committee, or any officer, member, or agent of such an entity, money or things with an aggregate value of more than $25 together with an itemized list of these contributions, promises, loans, or advances [36]; the aggregate sum contributed, promised, loaned, or advanced in amounts of $25 or less [37]; the total sum of all contributions, promises, loans, or advances received [38]; a standard financial statement with distributions, disbursements, contributions, promises, loans, and advances grouped and summarized by category, in accordance with generally accepted accounting principles and standards [39]; an itemized account of all monies and things of value disbursed, distributed, used, or contributed; promised, loaned, or advanced by the candidate or campaign committee, together with the name and address of each person, corporation, or business to whom such disbursements, distributions, expenditures, contributions, promises, loans, or advances were made [40]; and the total sum disbursed, distributed or contributed, promised, loaned, or advanced by the candidate or campaign committee, or any officer, member, or agent of such an individual or entity [41].

A candidate or campaign committee which receives or makes any reportable campaign contributions or expenditures subsequent to the closing date for a post-election statement must file a statement of contributions and expenditures on or before April 1st of each year, until all contributions and expenditures have been closed out, or no contributions or expenditures are received or made which have not been previously reported [42]. A statement indicating the disposition of surplus funds may be appended to the post-election statement, or to any subsequent follow-up statement [43]. The statement must include an exact account of all expenditures, and to whom paid, distributed, or expended [44].

D. Reporting by Continuing Political Organizations. All continuing political organizations that expend money for political purposes must submit an itemized financial statement to the secretary of state by April 1st of each year [45]. The statement must be prepared by a public or certified public accountant, or by the political organization's treasurer, and when prepared by the treasurer, the statement is to be notarized [46].

V. TAX PROVISIONS

Arizona allows a deduction of not more than $100 ($200 for a joint return) from taxable income for a contribution to or for the use of a candidate for an Arizona state, county, or local elective office, or federal elective office, in a primary, general, or special election conducted within the state [47]; an organization or committee organized exclusively to support one or more candidates for such an election [48]; or an Arizona state committee of a political party which qualifies for the ballot [49].

VI. POST-ELECTION REQUIREMENTS

A. Reporting and Recordkeeping. A candidate or campaign committee which receives or makes any reportable campaign contributions or expenditures subsequent to the closing date for a post-election statement must file a statement of collections and expenditures on or before April 1st of each year until all contributions and expenditures have been closed out, or no contributions or expenditures are made or received which have not been previously reported [50].

A statement that a candidate or candidate's committee has determined to dispose of surplus funds may be appended to the post-election statement of contributions and expenditures, or any subsequent follow-up statement [51]. The statement shall include an exact account of all expenditures and to whom paid, distributed, or expended, and no other statement needs to be filed subsequently, unless additional contributions or expenditures are received or made [52].

All records, vouchers, receipts, or accounts relating to a payment or disbursement in excess of $10 must be preserved by the committee for 15 months after the election to which it relates [53].

B. Disposition of Surplus Funds. Surplus funds may be retained for use in a subsequent political campaign [54]; returned to the contributor to the extent records are available permitting the return, and the remainder donated to the candidate's state or county political party committee [55]; donated to a charitable organization, or the candidate's state or county political party committee [56]; in the case of a campaign committee, donated to a charitable organization, to a political organization, to a political candidate as a contribution for use in a political campaign, or for the repayment of loans for political campaign expenses [57]; or disposed of in any other lawful manner [58].

VII. OFFENSES AND PENALTIES

A person who makes any required statement and knowingly misrepresents or misstates or knowingly fails to fully disclose the facts as to any contribution, loan, or promise received, or any expenditure made and required to be reported is guilty of a class six felony [59]. If the person is a candidate, his name shall not appear on the primary, general, or special election ballot [60]. If the primary ballot is printed before conviction, the candidate's name shall not appear on the ballot at the ensuing general election, and if the general or special election ballot is printed before conviction, he shall be denied the right to hold office, if elected [61]. If elected to an office in the general or special election, he shall not hold the office [62].

A person who knowingly refuses or fails to make and file any required statement of contributions and expenditures within the time specified is guilty of a class one misdemeanor, and if such person is a candidate, the candidate's name shall not appear on the ballot [63]. If the ballot is printed before conviction, he shall be denied the right to hold office, if elected [64]. A candidate who, within the preceding five years, knowingly refused or failed to make and file any required statement of contributions and expenditures is prohibited from offering himself for nomination or election to any salaried local or state office [65]. Failure by a candidate to file the required report(s) within thirty days after receiving a second written notification by the officer with whom the statement is to be filed is deemed a knowing failure to file [66].

A campaign committee which fails or refuses to file any required statement of contributions and expenditures within the time specified, or any officer or member of the committee or any other person acting under the authority of the committee or in its behalf, is prohibited from engaging in political activity or from receiving money or its equivalent or things of value, or from expending or promising to expend money or its equivalent or things of value on behalf of the committee until the statement is filed [67].

Any other violation of the filing provisions is a class two misdemeanor [68].

An employer who is found guilty of political intimidation of his employees, whether acting in an individual capacity or as an officer or agent of a corporation, is guilty of a class 1 misdemeanor [69].

VIII. REGULATORY AGENCIES

A. Secretary of State. The secretary of state serves as the filing officer for candidates for state offices, members of the legislature, and for a statewide initiative or referendum [70]. The secretary of state is to prepare and make available campaign finance statement forms [71] and forms for candidates' statements of contributions and expenditures [72], in both English and Spanish.

Upon request of the secretary of state, a candidate or committee is to provide an itemized list of contributions and disbursements to support an expenditure shown in its itemized reports [73].

B. Attorney General. The attorney general is to approve the form of campaign statements prescribed by the secretary of state [74].

Upon the request of the attorney general, a candidate or campaign committee shall provide an itemized list of contributions and disbursements to support an expenditure shown in its required reports [75]. The attorney general is empowered to enforce the campaign financing provisions through civil and criminal actions in any election for state office, members of the legislature, justices of the supreme court, judges of the court of appeals, or statewide initiative or referenda [76].

C. City or Town Attorney. The city or town attorney is empowered to enforce the campaign financing provisions through civil and criminal actions in any election for town, city, or county office; community college district governing board; judge; or a town, city, or county initiative or referenda [77].

REFERENCES

1. Arizona Revised Statutes Annotated (hereafter ARSA) § 16-904
2. ARSA § 16-901(1)
3. ARSA § 16-902(B)
4. ARSA § 16-919(A)
5. ARSA § 16-919(B)
6. ARSA § 16-919(H)
7. Opinions of the Arizona Attorney General (hereafter Op. Att'y. Gen.) No. R76-26, 1975-76, at 147
8. ARSA § 16-921(A)(1)
9. ARSA § 16-921(A)(2)
10. ARSA § 16-921(A)(3)
11. ARSA § 16-921(C)
12. ARSA § 16-921(C)
13. ARSA § 16-921(D)
14. ARSA § 16-921(D)
15. ARSA § 16-921(E)
16. ARSA § 16-921(F)
17. ARSA § 16-921(G)
18. ARSA § 16-921(H)
19. ARSA § 16-1012(A)(1)
20. ARSA § 16-1011(A)(2)
21. ARSA § 16-902(C)
22. ARSA § 16-902(B)
23. ARSA § 16-903(A)
24. ARSA § 16-920A
25. ARSA § 16-920(A)(1)
26. ARSA § 16-920(A)(2)
27. ARSA § 16-920(A)(3)
28. ARSA § 16-920(B)
29. ARSA § 16-902(B)
30. ARSA § 16-904
31. ARSA § 16-907(A)
32. ARSA § 16-909(A)
33. ARSA § 16-913(A)
34. ARSA § 16-914(A)
35. ARSA § 16-914(B)
36. ARSA § 16-915(1)
37. ARSA § 16-915(2)
38. ARSA § 16-915(3)
39. ARSA § 16-915(4)
40. ARSA § 16-915(5)
41. ARSA § 16-915(6)
42. ARSA § 16-915.01(A)
43. ARSA § 16-915.01(C)
44. ARSA § 16-915.01(C)
45. ARSA § 16-917; Op. Att'y Gen. No. R75-989, 1975-76, at 139
46. ARSA § 16-917
47. ARSA § 43-1099(1)
48. ARSA § 43-1099(2)
49. ARSA § 43-1099(3)
50. ARSA § 16-915.01(A)
51. ARSA § 16-915.01(C)
52. ARSA § 16-915.01(C)
53. ARSA § 16-905(A)
54. ARSA § 16-915.01(B)(1)

55. ARSA § 16-915.01(B)(2)
56. ARSA § 16-915.01(B)(3)
57. ARSA § 16-915.01(B)(4)
58. ARSA § 16-915.01(B)(5F)
59. ARSA § 16-912
60. ARSA § 16-912
61. ARSA § 16-912
62. ARSA § 16-912
63. ARSA § 16-918(A)
64. ARSA § 16-918(A)
65. ARSA § 16-918(D)
66. ARSA § 16-918(D)
67. ARSA § 16-918(B)
68. ARSA § 16-918(C)
69. ARSA § 16-1012(B)
70. ARSA § 16-916
71. Op. Att'y Gen. No. 76-1, 1975-76, at 38
72. Op. Att'y Gen. No. 77-2, 1976-77, at 126
73. ARSA §§ 16-903(B); 16-904(B)
74. ARSA §§ 16-907(D); 16-909(C); 16-913(D); 16-914(B); 16-915(G); 16-915.01(D)
75. ARSA §§ 16-903(B); 16-904(B)
76. ARSA § 16-1021
77. ARSA § 16-1021

CAMPAIGN FINANCE LAW IN ARKANSAS

I. INTRODUCTION

Arkansas requires all candidates and persons acting on their behalf to file contribution reports and expenditure reports if certain thresholds of contributions are met. Most candidates are required to file two pre-election contribution reports and one post-election expenditures report, although an unopposed candidate does not have to file a pre-election report for that election. Contributions by individuals other than a candidate contributing to the candidate's campaign and other entities are limited to $1,500 per candidate per election, with the exception of political parties, which are limited to $2,500 per candidate per election. Cash contributions are limited to $100, anonymous contributions must be less than $50 per year from any one donor, and contributions may not be made in the name of another. Arkansas offers a $25 deduction for political contributions, but has no mechanism for public financing of election campaigns. The secretary of state is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a direct or indirect advance, deposit, or transfer of funds, contracts or obligations whether or not legally enforceable, payment, gift, subscription, assessment, payment for services, dues, advancement, forbearance, loan, or a pledge or promise of money or anything of value whether or not legally enforceable, to a candidate, committee, or holder of elective office, made for the purpose of influencing the nomination or election of any candidate [1]. A contribution includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee, or persons whose expenditures the candidate or committee must report under the Political Practices Act [2]. A contribution also includes any transfer of anything of value received by a committee from another committee [3].

A contribution does not include uncompensated, unreimbursed volunteer personal services or travel [4], or nonpartisan activity designed to encourage individuals to register to vote, or to vote, or any communication by any membership organization to its members or stockholders, if the membership organization is not organized primarily for the purpose of influencing the nomination for election, or election to any public office [5].

B. Limitations on Contribution Amounts. It is unlawful for any candidate for public office, or any person acting in the candidate's behalf, to accept campaign contributions in excess of $1,500 per election from any person, or for any person to make such a contribution [6]. A state political party may, however, contribute up to $2,500 to the campaign of its respective candidate per election, and the limitations do not apply to a candidate's own contribution from his personal funds, or to personal loans made by a financial institution to the candidate and applied to his campaign [7].

C. Limitations on Nature of Contribution. No campaign contribution in excess of $100 may be made or received in cash [8]. All contributions in behalf of a campaign activity in excess of $100 must be made by a written instrument containing the name of the donor and the name of the payee [9]. No campaign contribution may be made in support of or in opposition to a candidate other than directly to the candidate or the candidate's campaign committee [10]. No contribution may be made, directly or indirectly, by any person in a name other than the name by which the person is identified for legal purposes [11]. No person may make an anonymous contribution in support of or in opposition to a candidate or campaign committee totaling $50 or more in a calendar year [12]. Any such contribution may not be kept by the intended recipient, but must be promptly paid by the recipient to the Secretary of State of Arkansas for deposit in the State Treasury as general revenues [13].

D. Limitations on Solicitations. A judge of the municipal, circuit, chancery, or supreme courts may not make any solicitation on behalf of any candidate for office at any election, other than the judge's own campaign [14]. It is unlawful for any person to assess any state employee for any political purpose whatever, or to coerce or otherwise threaten any state employee into making a subscription or contribution for any such purpose [15], or for any person to appoint or offer to appoint anyone to any office or position of trust, or for any person to influence, attempt to influence, or offer to influence the appointment, nomination, or election of any person to office in consideration of the support or assistance of the person for any candidate in any election in Arkansas [16]. It is also unlawful for any person or group of persons to solicit or receive money or other valuable consideration from any candidate for office where the return consideration is a promise to place, or placement of the candidate's name or identity among a list or register of recommended candidates for office [17].

No officer or employee of the State Division of Social Services, or of a county board of public welfare may solicit or receive, nor be obliged to contribute or render, any service, assistance, subscriptions, assessments, or contributions for any political purpose [18].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure for the purpose of influencing the nomination for election, or election, of any candidate [19]. An expenditure does not include nonpartisan activity designed to encourage individuals to register to vote, or vote, or any communication by any membership organizations to its members or stockholders, if the membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any candidate [20].

B. Limitations on Nature of Expenditures. No expenditure in excess of $50 may be made or received in cash [21]. All expenditures in behalf of a campaign activity, other than in-kind expenditures, in excess of $50 must be made by a written instrument containing the name of the donor and the name of the payee, although the payment of filing fees in any amount may be made in cash if the candidate obtains a receipt for the payment and reports it as a campaign expenditure [22].

IV. REPORTING REQUIREMENTS

A. Contribution Reports. Three categories of reports of contributions received are required of candidates: pre-election reports, final reports, and supplemental reports [23].

A candidate for office other than a school district, township, county, or municipal office, or a person acting in that candidate's behalf, who receives contributions in excess of $250 per election from any person, including the candidate, must report such contributions to the Secretary of State of Arkansas, and to the county clerk in the county in which the candidate resides not less than 25 days prior to a preferential election, a general or special election, and excluding general primaries [24]. The report is to contain all contributions received to and including 10 days prior to the election [25]. Any candidate who is unopposed in any of the primaries or the general election is not required to file a report prior to these unopposed elections [26].

A candidate for public office other than a school district, township, county, or municipal office, or a person acting in the candidate's behalf, must also file with the secretary of state and the county clerk in the county in which the candidate resides a final report for each election, stating the total amount of contributions and listing all contributions in excess of $250 by contributor, including the candidate [27]. Final reports must be filed no later than 30 days after each election, but the final reports following preferential primaries may be included in the final reports following the general primary, and shall be due at that time [28]. Any contributions received after the final report is filed shall be reported in a supplemental report within 30 days after receipt of such contributions, and must include the name and address of each person who has made a contribution which in the aggregate exceeds $250, the contributor's principal place of business and employer and/or occupation, and the amount contributed [29].

A candidate for a school district, township, or municipal office, or a person acting in such a candidate's behalf, receiving contributions in excess of $100 per election from any person, including the candidate, must report such contributions to the county clerk in the county in which the election is held not less than seven days prior to a preferential election, a runoff election, and a general or special election, for all contributions received to and including 10 days prior to that election [30]. A final report must also be filed with the county clerk in the county in which the election is held for each election stating the total amount of contributions and listing all contributions in excess of $100 by contributor, including the candidate [31]. Any candidate who is unopposed in any of the primaries or the general election is not required to file a report prior to these unopposed elections [32]. Final reports must be filed no later than 30 days after each election, but the final reports following preferential primaries may be included in the final reports following the general primary, and must be due at that time [33]. Any contributions received after the final report is filed may be reported in a supplemental report within 30 days after the receipt of such contributions, and must include the name and address of each person who has made a contribution which in the aggregate exceeds $100, the contributor's principal place of business and employer and/or occupation, and the amount contributed [34].

A candidate for county office, or a person acting in such a candidate's behalf, receiving contributions in excess of $250 per election from any person, including the candidate, must report such contributions to the county clerk in the county in which the election is held not less than seven days prior to a preferential election, a runoff election, and a general or special election, including all contributions received up to and including 10 days prior to the election [35]. A final report must also be filed with the county clerk in the county in which the election is held, stating the total amount of all contributions and listing all contributions in excess of $250 by contributor, including the candidate [36]. Any candidate who is unopposed in any of the primaries or the general election is not required to file a report prior to those unopposed elections [37]. Final reports must be filed no later than 30 days after each election, but final reports following preferential primaries may be included in the final reports following the general primary, and must be due at that time [38]. Any contributions received after the final report is filed must be reported in a supplemental report within 30 days after receipt of such contributions, and must include the name and address of each person who has made a contribution which in the aggregate exceeds $250, the contributor's principal place of business and employer and/or occupation, and the amount contributed [39].

Any personal loan made to a candidate by a financial institution which is applied toward a candidate's campaign must be reported as a campaign contribution, together with the name of the financial institution, the amount of the loan, and the guarantor, if any [40].

A candidate or any person acting in the candidate's behalf, who has not received contributions in excess of $500 as of the date a pre-election report is to be completed is not required to file a required pre-election report [41]. A pre-election filing must subsequently be made, however, within three days after the candidate or person has received contributions in excess of $500 [42].

B. Expenditure Reports. A candidate or person acting in the candidate's behalf shall file with the appropriate filing officer, along with each required final report, a list of all expenditures by category including, but not limited to, television, radio, print, and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment, and telephone [43]. The expenditure report must include the names of all paid campaign workers, and the amount the workers were paid [44]. Each candidate or person acting in the candidate's behalf is also required to file a supplemental report, including the same information for any expenditures after the compilation date of the final report [45].

C. **Report Verification.** All reports required to be filed must be verified by affidavit of the candidate or a person acting in the candidate's behalf, stating that to the best of his knowledge and belief the information disclosed is a complete, true, and accurate financial statement of the candidate's campaign contributions or expenditures [46].

V. TAX PROVISIONS

An individual taxpayer is allowed a deduction not to exceed $25 in computing his net taxable income for contributions made to political campaigns in Arkansas [47].

VI. POST-ELECTION REQUIREMENTS

A. **Supplemental Reports.** Candidates are required to file supplemental reports disclosing contributions aggregating more than $250 (or more than $100 for candidates for school district, township, or municipal offices) [48]. This report is due within 30 days after receipt of any such contribution [49]. A supplemental expenditure report is also required of all candidates having any post-election expenditures; no date is specified for filing this report [50].

B. **Recordkeeping.** A candidate, political party, or person acting in the candidate's behalf must keep records of all contributions and expenditures in a manner sufficient to evidence compliance for a period of five years [51].

VII. OFFENSES AND PENALTIES

Any person who knowingly or willfully fails to comply with any of the campaign financing provisions of the Political Practices Act shall, upon conviction, be fined not more than $1,000 or be imprisoned for not more than one year, or both [52].

A violation of the provisions of the Political Practices Act which prohibit coercion of state employees or solicitation for endorsements is a misdemeanor, punishable by a fine not exceeding $1,000 or by imprisonment in the penitentiary not exceeding one year, or by both fine and imprisonment, and any person so convicted shall be ineligible to hold any office or for state employment [53]. If any person is convicted while employed by the state, he shall be immediately removed from that employment [54]. If any person is convicted while holding public office, the conviction is deemed a misfeasance and malfeasance in office, and subjects the person to impeachment [55]. A judge who unlawfully participates in an election is also subject to misfeasance and malfeasance charges, and is subject to impeachment on the charges [56].

An officer or employee of the State Division of Social Services or a county board of public welfare who violates the contribution provisions applicable to such individuals is subject to discharge or suspension [57].

VIII. REGULATORY AGENCIES

A. **Secretary of State and County Clerk.** The secretary of state and appropriate county clerk serve as filing officers for contribution and expenditure reports [58]. The information required in reports will, upon proper filing, constitute a public record, and shall be available within 24 hours of the reporting deadline to all interested persons and the news media [59]. The secretary of state must also notify each candidate not less than ten days before each filing deadline and furnish each candidate with appropriate filing forms and instructions [60].

REFERENCES

1. Arkansas Statutes Annotated (hereafter ASA) § 3-1109(B)
2. ASA § 3-1109(B)
3. ASA § 3-1109(B)
4. ASA § 3-1109(B)
5. ASA § 3-1109(B)(1)
6. ASA § 3-1110
7. ASA § 3-1110
8. ASA § 3-1116
9. ASA § 3-1116
10. ASA § 3-1117
11. ASA § 3-1117
12. ASA § 3-1117
13. ASA § 3-1117
14. ASA § 3-1106
15. ASA § 3-1104(d)
16. ASA § 3-1104(a)
17. ASA § 3-1104(1)
18. ASA § 83-119
19. ASA § 3-1109(C)
20. ASA § 3-1109(B)(1)
21. ASA § 3-1116
22. ASA § 3-1116
23. ASA § 3-1111
24. ASA § 3-1111(a)(1)
25. ASA § 3-1111(a)(1)
26. ASA § 3-1111(a)(1)
27. ASA § 3-1111(a)(2)
28. ASA § 3-1111(a)(2)
29. ASA § 3-1111(a)(3)
30. ASA § 3-1111(b)(1)
31. ASA § 3-1111(b)(1)
32. ASA § 3-1111(b)(1)
33. ASA § 3-1111(b)(2)
34. ASA § 3-1111(b)(3)
35. ASA § 3-1111(c)(1)
36. ASA § 3-1111(c)(1)
37. ASA § 3-1111(c)(1)
38. ASA § 3-1111(c)(2)
39. ASA § 3-1111(c)(3)
40. ASA § 3-1111(e)
41. ASA § 3-1111(d)
42. ASA § 3-1111(d)
43. ASA § 3-1112
44. ASA § 3-1112
45. ASA § 3-1112
46. ASA § 3-1114
47. ASA § 84-2016.5
48. ASA §§ 3-1111(a)-(c)
49. ASA §§ 3-1111(a)-(c)
50. ASA § 3-1112
51. ASA § 3-1113
52. ASA § 3-1118
53. ASA § 3-1104(ff)
54. ASA § 3-1104(ff)
55. ASA § 3-1104(ff)
56. ASA § 3-1106
57. ASA § 83-119
58. ASA §§ 3-1111, 3-1112
59. ASA § 3-1115
60. ASA §§ 3-1111(a)(1)-(3)

CAMPAIGN FINANCE LAW
IN CALIFORNIA

I. INTRODUCTION

Candidates receiving or expending more than $500 in an election and candidates meeting a certain threshold of contributions and expenditures must file information on all contributions and expenditures at several times during the year, both before and after elections. Late contributions and expenditures of $1,000 or more must be reported within 48 hours. All individuals and entities may contribute unlimited amounts to political campaigns. Cash contributions must be less than $100, anonymous contributions must be less than $100 per year from any one donor, and contributions may not be made in the name of another. California offers a $100 per person tax deduction for political contributions and a graduated surcharge that is matched by the state and provided to political parties for party activities and distribution to statewide general election candidates. The fair political practices commission is responsible for overseeing the campaign finance provisions of the law. A city or county in the State of California is permitted to impose more stringent campaign laws and may limit contributions and expenditures.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a payment, a forgiveness of a loan, a payment of a loan by a third party, or enforceable promise to make a payment, except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes [1]. An expenditure made at the behest of a candidate, committee, or elected officer is a contribution unless full and adequate consideration is received for making the expenditure [2]. A contribution includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration [3]. A contribution also includes a transfer of anything of value to a committee from another committee unless full and adequate consideration is received [4].

A contribution does not include an amount received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution [5]. A contribution does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are $500 or less [6]. A contribution also does not include volunteer personal services or a payment made by any individual for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they will be, directly, or indirectly, repaid [7].

A merchant who permits a candidate to give the voters in his district coupons which provide certain discounts when presented in connection with the purchase of certain goods and services has not made a contribution because the merchant receives full and adequate consideration in the form of free advertising, the prospect of volume sales, and the possibility that a customer will purchase other goods and services when redeeming the coupons [8].

B. Limitations on Nature of Contributions. No contribution of $100 or more may be made or received in cash [9]. A cash contribution is not deemed received if it is not negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would be otherwise be reported [10]. If a cash contribution is negotiated or deposited, it must not be deemed received if it is refunded within 72 hours of receipt [11]. In the case of any contribution, including a loan which totals in the aggregate $1,000 or more that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election [12], it is not deemed received if it is returned to the contributor within 48 hours of receipt [13]. No contribution of $100 or more other than an in-kind contribution may be made except by written instrument containing the name of the donor and the name of the payee [14]. The value of an in-kind contribution of $100 or more must be reported in writing to the recipient upon the written request of the recipient [15].

No contribution may be made, directly or indirectly, by any person other than in the name by which such person is identified for legal purposes [16]. No person may make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation and the name of employer, if any or principal place of business if self-employed, of the other person [17]. No person may make an anonymous contribution or contributions to a candidate, committee, or any other person totaling $100 or more in a calendar year [18]. An anonymous contribution of $100 or more must not be kept by the intended recipient, but instead must be promptly paid to the secretary of state for deposit in the general fund of the state [19].

All contributions received by a person acting as an agent of a candidate or a committee must be reported, not later than the closing date of any campaign statement the committee or candidate for whom the contribution is intended is required to file, to the candidate, committee's treasurer, or any of his designated agents [20]. No contribution may be commingled with the personal funds of the recipient or any other person [21]. No person may receive or deliver or attempt to deliver a contribution in person or cause a contribution to be delivered in person by an agent or intermediary on the state capitol, in any state office building, or in any office for which the state pays the majority of the rent other than a legislative district office [22].

No contribution may be accepted by a committee when there is a vacancy in the office of treasurer [23].

C. Limitations on Solicitations. No officer of an agency may accept, solicit, or direct a contribution of $250 dollars or more, from any party, or his agent, or from any participant or his agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding, provided, however, that the officer knows or has reason to know that the participant has a financial interest [24]. This prohibition applies regardless of whether the officer accepts, solicits, or directs the contribution for himself or on behalf of any candidate for office [25]. If an officer receives a contribution to be used in a federal, state, or local election which would otherwise require disqualification, returns the contribution within thirty days from the time he knows or should have known about the contribution and the proceeding involves a license, permit, or other on entitlement for use, he is permitted participate in the proceeding [26].

While, in general, no restriction may be placed on the political activities of any officer or employee of a state or local agency [27], no one who holds, or is seeking election or appointment to, any office or employment in a state or local agency shall, directly or indirectly, use, promise, threaten, or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person from securing any position, nomination, confirmation, promotion, or change in compensation or position, within the state or local agency, upon consideration or condition that the vote or political influence or action of such person or another must be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration [28]. This prohibition must apply to urging or discouraging the individual employee's action [29].

An officer or employee of a state or local agency is not prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of such state or local agency, except that a state or local agency may prohibit or limit such activities by its employees during their working hours, and may prohibit or limit entry into governmental offices for such purposes during hours [30].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes [31]. An independent expenditure is an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee [32].

B. Limitations on Nature of Expenditures. No expenditure of $100 or more may be made in cash [33]. No expenditure may be made, other than overhead or normal operating expenses, by an agent or independent contractor, including, but not limited to, an advertising agency, on behalf of, or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee [34]. The agent or independent contractor must make known to the candidate or committee all information required to be reported [35].

When an expenditure is made to support litigation aimed at gaining a place on the ballot for a candidate or measure, aimed at keeping a candidate or measure of the ballot, or challenging the results of an election, the expenditure is made for the purpose of influencing the outcome of the election in favor of or against a particular candidate or measure, and should be reported on the appropriate statement as an expenditure [36].

No expenditure may be made by or on behalf of a committee without the authorization of the treasurer or that of his designated agents [37]. No expenditure may be made by or on behalf of a committee when there is a vacancy in the office of treasurer [38].

The payment of a salary, reimbursement for personal expenses, or other compensation by an employer to an employee who spends more than ten percent of his compensated time in any one month rendering services for political purposes is an expenditure by the employer if the services are rendered at the request or direction of the employer, or the employee, with consent of the employer is relieved of any normal working responsibilities related to his employment in order to render the personal services, unless the employee engages in political activity on bona fide, although compensable, vacation time, or pursuant to a uniform policy allowing employees to engage in political activity [39]. Personal services are rendered for political purposes if they are carried on for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the qualification or passage of any measure, and include, but are not limited to, personal services received by or made at the behest of a candidate or committee by an employee, and time spent developing or distributing communications that expressly advocate the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure [40]. The amount of such an expenditure is the pro rata portion of the gross salary, reimbursement for personal expenses, or compensation attributable to the time spent on political activity [41]. Salary, reimbursement for personal expenses, and compensation paid to an employee by an employer who has contracted to provide services to a candidate or committee are not an expenditure by the employer, provided that the services rendered by the employee are not beyond the scope of the contract [42].

IV. REPORTING REQUIREMENTS

A. General Requirements. Any person or combination of persons who directly or indirectly receives contributions totaling $500 or more in a calendar year [43]; makes independent expenditures totaling $500 or more in a calendar year [44]; or makes contributions totaling $10,000 or more in a calendar year to or at the behest of candidates or committees [45]; becomes a committee required to file campaign statements under the act.

B. Registration. A committee that receives contribution of $500 or more in a calendar year is a recipient committee, and must file a statement of organization with the secretary of state within 10 days after it has qualified as a committee [46]. The statement of organization must include the committee's name, street address, and telephone number, if any [47]; the name, street address, and telephone number, if any of each person, if any, with which the committee is affiliated or connected [48], and the committee's treasurer and principal officers [49]; and the full name and office sought by any candidate and the title and ballot number, if any, of any measure which the committee reports or opposes as its primary activity [50]. A committee that does not support or oppose one or more candidates or ballot measure as its primary activity must provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics such as a political party affiliation [51]. The statement of organization must also include a statement whether the committee is independent or controlled, and if it is controlled, the name of each candidate or committee by which it is controlled or with which it acts jointly [52]; and information on the disposition of surplus funds which will be made in the event of dissolution [53]. Whenever there is a change in any of the information contained in a statement of organization, an amendment must be filed within ten days to reflect the change [54].

C. Reporting by Candidates and Committee. All candidates and committees must file campaign statements no later than July 31st and January 31st if they have made or received any contributions or made any expenditures during the six calendar months before the closing date of such statements [55], June 30th [56], and December 30th [57], unless a candidate files a declaration on or before the filing date for the first campaign statement due before the election, signed by the candidate under penalty of perjury, stating that to the best of the candidate's knowledge less than $500 in contributions or expenditures will be received or made in behalf of or in support of his candidacy [58]. If $500 in contributions or expenditures are eventually received or made, the candidate must file campaign statements as otherwise required [59]. All elected officials must file campaign statements no later than July 31st and January 31st, except for judges, or elected officers whose salaries are less than $100 a month, unless the elected officer or judge is a candidate or committee which makes or receives contributions or makes expenditures during the applicable six-month period [60]. In lieu of the filing of a campaign statement by a candidate or elected officer, the candidate or elected officer may file a statement signed under penalty of perjury that, to the best of his knowledge, less than $500 has been or will be received or expended on behalf of or in support of his candidacy [61]. The statement shall also contain the name, street address, and treasurer of any committee of which he has knowledge which has received contributions or made expenditures on behalf of his candidacy, and whether the committee is controlled by the candidate or officeholder [62]. In calculating whether $500 in expenditures have been made, payments for a filing fee or for the costs of a statement of qualifications made from the candidate's personal funds must not be included [63].

In addition to the required six-month campaign statements, candidates, officeholders, and all committees must file up to four "threshold" campaign statements if they raise or spend $500 since the last report, except that the candidate and supporting committees need not file threshold statements during any six-month period in which the candidate or officeholder is not being voted upon [64]. A candidate, elected officer, controlled committee, and any committee formed primarily to support or oppose a candidate or a measure that has made or received contributions or made expenditures of $500 or more during the specified "threshold" periods, and all other committees, which, in an even-numbered year, has made or received contributions of $500 or more, or made expenditures of $500 or more during the threshold periods, or in an odd-numbered year, has made contributions or independent expenditures of $500 or more during the threshold periods must file a campaign statement not later than March 22nd, with a $500 threshold period of January 1st through March 17th [65]; no later than 12 days before the first Tuesday after the first Monday in June, with a $500 threshold period of March 18th through 17 days before the first Tuesday after the first Monday in June [66]; September 22nd, with a $500 threshold period of July 1st through September 17th [67]; and 12 days before the first Tuesday after the first Monday in November, with a $500 threshold period of September 18th through 17 days before the first Tuesday after the first Monday in November [68]. Elected officers, candidates, and their controlled committees and committees formed primarily to support or oppose a candidate or ballot measure are not required to file threshold campaign statements during any January 1-June 30 or July 1-December 31 period in which the candidate's office or the ballot measure is not to be voted on, or, in the case of an elected officer, when the elected officer is not a candidate for an office being voted on in a six-month period, unless they make contributions or expenditures of $100 or more to any other candidate, controlled committee, or committee formed primarily to support or oppose a candidate or ballot measure [69].

Candidates, their controlled committees, and committees formed or existing primarily to support or oppose ballot measures in an election held other than on the first Tuesday after the first Monday in June or November, must file a campaign statement no later than 40 days before the election, no later than 12 days before the election, and no later than 65 days after the election [70]. The closing date for each of the pre-election campaign statements is five days prior to the filing deadline [71]. The post-election report closing date is seven days before the filing deadline [72]. If a subsequent runoff election is held within 60 days of the first election, the post-election statement must be filed 65 days after the runoff election [73]. If, however, a candidate or committee is required to file a campaign statement in connection with a subsequent runoff resulting from that election which is held within 60 days of the first election, the statement must be filed no later than 40 days prior to the first election (or March 22nd, if the first election is on the first Tuesday after the first Monday in June, or September 22nd, if the first election is on the first Tuesday after the first Monday in November), no later than 12 days prior to the first election, no later than 12 days prior to the runoff election, and no later than 65 days after the runoff election [74]. Filers under this section do not file a threshold statement during the six months in which an election is held [75]. Any candidate or committee that has filed a pre-election campaign statement in connection with any election held on a date other than the first Tuesday after the first Monday in June or November may designate that such campaign statement as final and need not file any further campaign statements in connection with that election if the candidate or committee has made no expenditures and received no contributions since

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the closing date of the campaign statement designated as final [76]; the candidate or committee has no intentions of making any expenditures or receiving any contributions in the period between the closing date of the campaign statement designated as final and the closing date of the post-election statement otherwise required to be filed [77]; and, in the case of a candidate, no committee is making expenditures or receiving contributions on behalf of or in support of his candidacy [78]. Prior to the date for filing the next campaign statement the candidate or committee would otherwise be required to file, the candidate or committee must execute a declaration stating compliance with these provisions, and file it in the same manner and place as a campaign statement [79]. A candidate or committee is required to file the required campaign statements if the committee or candidate makes expenditures or receives contributions after the closing date of the campaign statement designated as final [80].

A committee formed or existing primarily to support or oppose the qualification of a measure, and proponents of a state measure must file campaign statements not later than 35 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever is earlier [81], with a closing date of seven days before the deadline [82]. Such a committee must not be required to file a semiannual campaign statement until after the filing date specified for ballot measure committees and proponents [83].

Each candidate or committee that makes or receives a late contribution aggregating $1,000 or more from a single source must report the late contribution to each office with which the candidate or committee is required to file its next campaign statement [84] by mailgram, telegram, Federal Express, or other overnight guaranteed delivery service or personal delivery within 48 hours of the time it is made in the case of the candidate or committee that makes the contribution, and within 48 hours of the time it is received in the case of the recipient [85]. A late contribution must be reported on subsequent campaign statements without regard to this filing [86]. A late contribution need not be reported, nor will it be deemed accepted, if it is not cashed, negotiated, or deposited, and is returned to the contributor within 48 hours of its receipt [87].

A committee that makes independent expenditures totaling $500 or more in a calendar year to support or oppose a candidate, a measure, or qualification of a measure must file independent expenditure reports at the same times as a committee formed or existing primarily to support or oppose such candidate, measure, or qualification of such measure [88], with the same closing date [89]. The period covered by an independent expenditure report related to a candidate or measure begins on the day after the closing date of the most recent independent expenditure report related to that candidate or measure, and end on the closing date of the report in question [90]. If no previous independent expenditure report has been filed in connection with the election, the period covered begins on January 1st of the year in which the report is filed [91].

A committee that makes a late independent expenditure aggregating $1,000 or more from a single source must report the late independent expenditure by mailgram, telegram, or personal delivery within 48 hours of the time it is made [92], to the places where it would be required to file campaign statements if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late expenditure [93]. A late independent expenditure must be reported on subsequent campaign statements [94].

A special election campaign report is required of a committee that makes contributions of $15,000 or more to support or oppose candidates or state measures voted upon in a special election held on a date other than the first Tuesday after the first Monday in June or November [95]. The reports are to be filed at the same time as required of a committee formed or existing primarily to support or oppose such candidates or measures, if not otherwise required to file campaign statements in connection with that special election [96], with the same closing dates [97]. The report period covered for the first required report must begin on the day after the closing day of the previous report filed for that special election [98].

A candidate or state measure proponent and any committee or committees which the candidate or a state measure proponent controls may file consolidated campaign statements in each place each of the committees and the candidate or state measure proponent would be required to file campaign statements if separate statements were filed [99].

An organization which sponsors a political action committee is not a political committee and is not required to file a campaign statement if the name of the political action committee includes the official or publicly-recognized name of the sponsoring organization [100]; the sponsoring organization does not make a sufficient amount of contributions and expenditures, other than those in support of the committee, to satisfy the reporting thresholds [101]; the committee reports all contributions and expenditures made in support of the committee by the sponsoring organization, its intermediate units, and the numbers of such entities [102]; the committee reports as an intermediary the sponsoring organization and each intermediate unit which directly or indirectly provides the committee with $100 or more in number contributions, regardless of whether any number for whom the intermediary acted contributed $100 or more [103]; if the intermediate unit's name is substantially different from the name of the sponsoring organization [104]; and a responsible officer of the sponsoring organization verifies the campaign statement in addition to the treasurer of the political action committee [105].

If a state or local government agency has enough campaign activity to qualify it as a committee, the state or local government agency itself will be required to file campaign statements [106]. The individual authorizing or directing the making of expenditures or contributions which qualify an agency as a committee must be the treasurer unless another individual is designated [107]. Under many circumstances, campaign-related activities by a state or local government agency may be illegal [108].

D. Reporting by Others. Any person who employs or contracts for the services of one or more lobbyists, independently or jointly with another

[109] and any person who directly or indirectly makes payments to influence legislative or administrative action of $2,500 or more in value in any calendar quarter [110] must file periodic reports detailing the date and amount of each contribution of $25 or more made by the filer to a state candidate, an elected state officer, or a committee supporting such candidate or officer, and the anme of the recipient of each contribution [111].

E. Contents of Campaign Statements. Each campaign statement must contain information on the total amount of contributions received and expenditures made during the period covered by the campaign statement, and the total cumulative amount of contributions received and expenditures made [112]; the total amount of contributions received during the period from persons who have given a cumulative amount of $100 or more [113], and the total amount of contributions received during the period from persons who have given a cumulative amount of less than $100 [114]; and the balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement [115]. If the cumulative amount of contributions (including loans) received from a person is $100 or more and a contribution or loan has been received from that person during the period covered by the campaign statement, the statement must detail that person's full name [116]; the name of the person's employer, or, if self-employed, name of business [117]; the date and amount received for each contribution received during the period, and, if the contribution is a loan, the interest rate [118]; and the cumulative amount of the contributions [119]. The full name [120]; street address [121]; occupation [122]; the name of the person's employer, or, if self-employed, name of business [123]; and the amount of a person's maximum liability is required to be on the statement for each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received during the period covered by the campaign statement must also be included [124].

The statement must also contain the total amount of expenditures made during the period to persons who have received $100 or more [125], and to persons who have received less than $100 [126]. For each person to whom an expenditure of $100 or more was made during the period covered [127], and each person, if different from the payee, who has provided consideration for an expenditure of $100 or more during the period [128], the statement must contain the person's full name [129]; street address [130]; the amount of each expenditure [131]; a brief description of the consideration for which the expenditure was made [132]; and, in the case of an expenditure that is a contribution, the the date of the contribution, cumulative amount of contributions made to a candidate, elected officer, or committee; the full name of the candidate and the office and district for which he seeks nomination or election; and, in the case of a contribution in support of or opposition to a measure, the number or letter of the measure and the jurisdiction in which the measure voted on [133]. If the campaign statement is filed in connection with the qualification of a measure, it must contain the name, street address, amount of expenditure, and a brief desciiption of the consideration for which each expenditure was made for each person who has directly, indirectly, on through an intermediary received payments cumulatively totaling $100 or more for circulation of petitions to qualify a measure for the ballot [134].

In the case of a controlled committee, an official committee of a political party, or an organization formed or existing primarily for political purposes, the amount and source of any miscellaneous receipt must be disclosed [135]. If a contribution is made to or received from a committee, or an expenditure made to a committee, the statement must list the number assigned by the secretary of state to the committee, or, if no number has been assigned, the full name and street address of the treasurer of the committee [136]. In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures of $100 or more for or against each candidate or measure during the period, and the cumulative amount of expenditures of $100 or more for or against each such candidate or measure must be reported [137]. In a campaign statement filed by a candidate who is a candidate in both an election held on the first Tuesday after the first Monday in June, and an election held on the first Tuesday after the first Monday in November, the candidate's controlled committee, or a committee primarily formed to support such a candidate, the total amount of contributions received and expenditures made for the period January 1st through June 30th, and the total amount of contributions received and expenditures made for the period July 1st through December 31st are to be reported [138].

The campaign statement must also contain the full name, residential and business addresses and telephone numbers of the filer, or, in the case of a campaign statement filed by a committee, the name, street address, and telephone number of the committee and its treasurer [139]. If a campaign statement is filed by a candidate, the candidate must disclose the name, street address, and treasurer of any committee of which he has knowledge which has received contributions or made expenditures on behalf of his or her candidacy, and whether such committee is controlled by the candidate [140]. A candidate must verify his campaign statement, and the campaign statement of each committee subject to his own control. All reports, even those of noncandidates, are to be signed under penalty of perjury [141]. The verification shall state that the filer has used all reasonable diligence in its preparation, and, that to the best of his knowledge it is true and complete [142]. In the case of a candidate or state measure proponent verification, it must state that to the best of the individual's knowledge, and that the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement, but the treasurer must also verify the report [143]. A report or statement filed by a committee shall be signed and verified by the treasurer, and a report or statement filed by any other organization shall be signed and verified by a responsible officer of the organization, or by an attorney or a certified public accountant [144].

An independent expenditure report must contain the name, street address, and telephone number of the committee and of the committee's treasurer, and the number assigned to the committee by the secretary of state [145]; if the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks nomination or election, and if the report is related to a measure or qualification of a measure, the number or letter of the measure, or if none has yet been assigned, a brief description of the subject matter of the measure, and the jurisdiction in which the measure is to be voted on or would be voted on if it qualified [146]; and the total amount of expenditures related to the candidate or measure during the period made to persons who have receives less than $100 [147], and more than $100 [148]. For each person to whom an expenditure of $100 or more has been made during the period, and for each person who has provided consideration for an expenditure of $100 or more during the period, the statement must detail the person's name [149]; street address [150]; if the person is a committee, the name of the committee, the number assigned to the committee by the secretary of state, or, if no number has been assigned, the full name and street address of the treasurer of the committee [151]; the amount of the expenditure [152]; a brief description of the consideration for which each such expenditure was made, and the value of the consideration if less than the total amount of the expenditure [153]; the cumulative amount of expenditures to each such person [154]; and a list of all the filing officers with whom the committee filed its most recent campaign statement [155].

F. Place of Filing. All candidates, elected officers, committees, and proponents of state ballot measures (except city elected officers, candidates for city office, their controlled committees, and committees formed or existing primarily to support or oppose candidates or measures in one city) must file two copies of their campaign statements with the clerk of the county in which they are domiciled [156]. A committee is domiciled at the address listed on its campaign statement unless it is domiciled outside California, in which case its domicile is deemed to be Los Angeles County for filing purposes [157]. In addition, statewide elected officers, candidates for such offices, their controlled committees, justices of the supreme court, state central committees of political parties, and committees formed or existing primarily to support or oppose such candidates or elected officers or statewide measures must file the original and one copy of the statement with the secretary of state [158]; two with the registrar-recorder of Los Angeles County, campaign reporting unit [159]; and two copies with the registrar of voters of the city and county of San Francisco, campaign statements [160]. Members of the legislature or board of equalization, justices of the court of appeals, judges of the superior court, candidates for those offices, their controlled committees, and committees formed or existing primarily to support or oppose such candidates or officeholders must also file the original and one copy with the secretary of state [161], and two copies with the clerk of the county with the largest number of registered voters which is included in whole or in part in the candidate's or officerholder's district [162]. Elected officers in jurisdictions other than legislative districts, board of equalization districts, or appellate court districts which contain parts of two or more counties, candidates for such offices, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in one such jurisdiction must also file the original and one copy with the clerk of the county with the largest number of registered voters in the jurisdiction [163]. County elective officers, municipal court judges, candidates for such offices, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in any number of jurisdictions within one county, other than related to city elections, shall also file the original and one copy with the clerk of the county [164]. City elective officers, candidates for city office, their controlled committees, and committees formed or existing primarily to support or oppose candidates or measures in one city must file the original and one copy with the clerk of the city [165]. If a committee is required to file campaign statements under the city or county provisions, the committee must continue to file such statements in such places, in addition to any other places required, until the end of the calendar year [166].

When a report or statement or copies required to be filed with any officer have been sent by first class mail addressed to the officer, it must for purposes of any deadline be deemed to have been received on the date of the deposit in the mail [167]. It shall be presumed, until the contrary is established, that any date stamped by the post office on the envelope containing the report or statement is the date it was deposited in the mail [168]. Mail which is not received by the filing officer must be presumed not to have been sent unless the filer possesses a post office receipt establishing the date of deposit, and the name and address of the addressee [169]. An unsigned statement is not filed within the requirements of the act, but absence of a date, the filing of a copy rather than a signed original, absence of signature by the candidate in the case of a controlled committee where the treasurer's signature is present, or absence of signature by the treasurer when the candidate has signed in the case of a controlled committee are errors or omissions to be remedied, but are not fatal to the effective date of the filing [170].

V. PUBLIC FINANCING PROVISIONS

California's election campaign fund act [171] provides public funding to qualified political parties from amounts designated on individual tax returns.

A. Source of Funds. Every individual who is lawfully able to make contributions to qualified political parties in California may designate the payment of $1, $5, $10, or $25, in addition to his income tax liability, to be paid over to the California election campaign fund [172]. In the case of a joint return of individuals, each spouse may separately designate that $1, $5, $10, or $25 be paid to the fund [173]. An equal amount is matched by the state [174]. If an individual chooses to contribute to the fund, he designates on the applicable California tax return which of the qualified political parties the contribution is to benefit [175]. Any sums designated to an unqualified political party are to be returned to the state general fund [176].

B. Distribution of Funds. Qualification of political parties is determined by the secretary of state [177]. A party qualifies if at the last preceeding gubernatorial election there was polled for any one of its candidates for any statewide office at least two percent of the entire vote of the state [178]; or if on or before the 135th day before any primary election it appears to the secretary of state, as a result of examining and totaling the statement of voters and their political affiliation transmitted to the secretary by the county clerks, that voters equal in number to at least one percent of the entire vote of the state at the last preceding gubernatorial election have declared their intention to affiliate with that party [179]; or if on or before the 135th day before any primary election, there is filed with the secretary of state a circulated, signed, and verified petition signed by voters, equal in number to at least ten percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which must be stated in the petition, and that those voters wish to participate in that party's primary election [180].

The chair of the state central committee of each political party receiving payments from the California election campaign fund must segregate those monies and disburse them only upon his determination that a majority of a committee composed of the chair of that party [181]; the speaker of the assembly (for the majority party of the assembly), or the minority leader (for each minority party of the assembly [182]; and the president pro tempore of the senate (for the majority party of the senate), or the minority leader (for each minority party of the senate) [183] concur in each disbursement [184]. If any party does not have a speaker, president pro tempore, and minority leader for both houses, its chair is the sole member of the committee [185]. If any party is represented by one of the categories, that assembly or senate member and the chair must choose a third member to serve for that calendar year [186].

VI. TAX PROVISIONS

Any person is allowed an income tax deduction of not more than $100 for political contributions in any year [187]. Funds contributed to help support or to defeat a proposition on the ballot at a primary or general election are within the meaning of a deductible contribution [188].

VII. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. The filing obligations of an independent expenditure committee, or committee which makes contributions totaling $5,000 or more in a calendar year to or at the behest of candidates or committees may terminate at the end of the calendar year, except to the extent that additional campaign statements are required by the reporting provisions of the Act [189]. If additional campaign statements are filed after the beginning of a new calendar year because the committee files a post-election statement for an election held during the previous calendar year, a statement in connection with the qualification of a measure, or a semi-annual statement covering activity for the period July 1st through December 31st the committee's filing obligations terminate when such statements have been filed [190].

B. Termination of Status. A candidate may terminate his status as a candidate, and a treasurer of a committee that raises $500 or more in a calendar year may terminate the committee's status as a committee, only by filing a statement of termination declaring, under penalty of perjury, that the candidate or committee has ceased to receive contributions and make expenditures and does not anticipate receiving contributions or making expenditures in the future [191]; has eliminated or has declared that is has no intention or ability to discharge all of its debts, loans received, and other obligations [192]; has no surplus funds [193]; and has filed all required campaign statements disclosing all reportable transactions [194]. A statement of termination for a committee is filed in the original with the secretary of state, and a copy is filed with each filing officer with whom a copy of the committee's

last campaign statement was filed [195]. A candidate's statement of termination is filed in the original with the filing officer with whom the original of the candidate's last campaign statement was filed [196]. A candidate or committee that has terminated remains subject to all civil and criminal penalties and remedies for any violations of law [197].

VIII. OFFENSES AND PENALTIES

Any person who knowingly or willfully violates any provision of the Political Reform Act is guilty of a misdemeanor [198]. In addition to other penalties prescribed by law, a fine of up to the greater of $10,000 or three times the amount the person failed to report properly or unlawfully contributed, expended, gave, or received may be imposed upon conviction for each violation [199]. Criminal prosecution must be commenced within four years after the date on which the violation occurred [200]. No person convicted of a misdemeanor under the Political Reform Act may be a candidate for any elective officer or act as a lobbyist for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision must not be applicable [201]. A plea of nolo contendere must be deemed a conviction for these purposes [202]. Any person who violates this section is guilty of a felony [203]. Whether a violation is inadvertent, negligent, or deliberate, and the presence or absence of good faith must be considered in applying the permissible remedies and sanctions [204].

Any person residing in the jurisdiction may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of the act, and the court may, in its discretion, require any plaintiff other than the fair political practices commission to file a complaint with the commission prior to seeking injunctive relief [205]. The court may award to a plaintiff or defendant who prevails his costs of litigation, including reasonable attorney's fees [206].

Any person who intentionally or negligently violates any of the reporting requirements of the act must be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported [207]. Any person who makes or receives a contribution or expenditure in violation of the act is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to $500 or three times the amount of the unlawful contribution or expenditure, whichever is greater [208]. Any person who violates any provision of the political reform act except the sections pertaining to mass mailings [209], and commingling of contributions with personal funds [210], for which no specific civil penalty is provided, must be liable in a civil action brought by the commission, district attorney, or elected city attorney, for an amount up to $2,000 [211]. No civil action alleging a violation of the act may be filed against a person under this provision if the criminal prosecutor is maintaining a criminal action against that person [212]. No request to the civil prosecutor to file a civil action under the act may be made or filed in connection with a required report or statement until the time when an audit or investigation could be begun [213], nor may such a civil action be filed more than four years after an audit could begin [214], or more than four years after the date the violation occurred [215].

Not more than one judgment on the merits with respect to any violation may be obtained under the provisions for civil violations of the reporting [216] and contribution and expenditure requirements [217]. Actions brought for the same violation or violations must have precedence for purposes of trial in order of the time filed [218]. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action [219]. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith [220]. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation [221]. In determining the amount of liability for a violation, the court may take into account the seriousness of the violation, and the degree of culpability of the defendant [222]. If a judgment is entered against the defendant or defendants in such an action, the plaintiff must receive 50% of the amount recovered, and the remaining 50% must be deposited in the general fund of the state [223]. In an action brought by the civil prosecutor, the entire amount recovered must be paid to the general fund or treasury of the jurisdiction [224]. The court may award to a plaintiff or defendant other than an agency, who prevails in any action authorized by the act his costs of litigation, including reasonable attorney's fees [225]. On motion of any party, a court must require a private plaintiff to post a bond in a reasonable amount of any stage of the litigation to guarantee payment of costs [226]. If two or more persons are responsible for any violation, they are jointly and severally liable [227].

When the fair political practices commission determines on the basis of a hearing that a violation has occurred, it must issue an order which may require the violator to cease and desist violation [228]; file any required reports, statements, or other documents or information [229]; or pay a monetary penalty of up to $2,000 to the general fund of the state [230].

If any person files an original statement or report after any deadline imposed by the act, he must, in addition to any other penalties or remedies established by the act, be liable in the amount of $10 per day after the deadline until the report or statement is filed, to the officer with whom the statement or report is required to be filed [231]. Liability need not be enforced by the filing officer if, on an impartial basis, the filing officer determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within ten days, or five days in the case of the second pre-election campaign statement, after the filing officer has sent specific written notice of the filing requirement [232]. If any person files a copy of a statement or report after any deadline imposed by the act, he must, in addition to any other penalties or remedies established by the act, be liable in the amount of ten dollars per day, starting ten days, or five days in the case of the second pre-election campaign statement, after the officer has sent specific notice of the filing requirement, and until the statement is filed. No liability under this provision may exceed the cumulative amount stated in the late statement or report, or $100, whichever is greater [233]. The officer must deposit these late filing fees into the general fund of the jurisdiction of which he is an officer [234].

IX. REGULATORY AGENCIES

A. Fair Political Practices Commission. The five-member fair political practices commission has primary responsibility for the impartial, effective administration and implementation of the political reform act [235]. The chairman and one additional member are gubernatorial appointees [236]. The governor's appointees must not be members of the same political party [237], and no more than three members of the commission may be members of the same party [238]. The attorney general, the secretary of state, and the controller must each appoint one member of the commission [239]. Procedures are set forth for appointments if these three officials are of the same party [240], and to fill vacancies [241].

The commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act and to govern procedures of the commission [242]. The commission must, in addition to its other duties, prescribe forms for reports, statements, notices, and other required documents [243]; prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of the act, and explaining the duties of persons and committees under the act [244]; provide assistance to agencies and public officials in administering the provisions of the act [245]; and maintain a central file of local campaign contribution and expenditure ordinances forwarded to it by local agencies [246]. The commission may also accept grants, contributions, and appropriations [247]; contract for services which cannot be satisfactorily performed by its employees [248]; employ legal counsel, and obtain legal advice and representation by the attorney general at no charge [249]. The commission also selects by lot the persons or districts to be audited on a random basis [250], and audit, candidates for controller and members of the board of equalization and committees supporting such candidates [251], and may perform discretionary investigations and audits [252].

Any person may request the commission to issue an opinion with respect to his duties under the act [253]. The commission must, within 14 days, either issue the opinion or advise the person who made the request whether an opinion will be issued [254]. No person who acts in good faith on an opinion issued to that person by the commission must be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request [255]. The commission's opinions must be public records and may from time to time be published [256].

Any person may request the commission to provide written advice with respect to the person's duties under the act [257]. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good cause [258]. It must be a complete defense in any enforcement proceeding initiated by the commission, and evidence of good faith in any other civil or criminal proceeding, if the requestor, at least 21 working days prior to the alleged violation, requested written advice from the commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice, or because of the failure of the commission to provide advice within 21 days of the request or such later extended time [259].

Upon the sworn complaint of any person or on its own initiative, the Commission must investigate possible violations of the act relating to any state agency, state official, state election, lobbyist, or state legislative or administrative action [260]. Within 14 days after the receipt of complaint under this section, the commission must notify in writing the person who made the complaint of the action, if any, the commission has taken or plans to take on the complaint, together with the reasons for such action or non-action [261]. If no decision has been made within 14 days, the person who made the complaint must be notified of the reasons for the delay and must subsequently receive such notification [262].

No finding of probable cause to believe the act has been violated may be made by the commission unless, at least 21 days prior to the commission's consideration of the alleged violation, the person alleged to have violated the act is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of his right to be present in person and represented by counsel at any proceeding of the commission held for the purpose of considering whether probable cause exists for believing the person violated the Act [263]. Notice to the alleged violator must be deemed made on the date of service, the date the registered mail receipt is signed, or, if the registered mail receipt is not signed, the date returned by the post office [264]. A proceeding held for the purpose of considering probable cause must be private unless the alleged violator files with the commission a written request that the proceeding be public [265].

When the commission determines there is a probable cause for believing that the act has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given, and the hearing conducted in accordance with the Administrative Procedure Act [266]. The commission may subpeona witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items material to the performance of the commission's duties or exercise of its powers [267]. The commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the commission notwithstanding an objection that the testimony or evidence required of him may tend to incriminate the individual [268]. No individual may be prosecuted in any manner or subjected to any penalty or forfeiture on account of any transaction, act, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that the individual so testifying is not be exempt from prosecution and punishment for perjury committed in so testifying [269]. No immunity may be granted to any witness under this section unless the commission has notified the attorney general of its intention to grant immunity to the witness at least 30 days in advance, or unless the attorney general waives this requirement [270].

When the commission determines on the basis of a hearing that a violation has occurred, it must issue an order which may require the violator to cease and desist violation [271]; file any reports, statements, or other documents or information that may be required [272]; or pay a monetary penalty of up to $2,000 to the general fund of the state [273]. When the commission determines that no violation has occurred, it must publish a declaration so stating [274]. An interested person may seek judicial review of any action of the commission [275]. If judicial review is sought of any action of the commission relating to a pending election, the matter must be advanced on the docket of the court and put ahead of other actions [276]. The court may, consistent with due process of law, shorten deadlines, and take other steps necessary to permit a timely decision [277].

Upon written authorization from a district attorney, the commission may bring any civil action permitted under the act which could be brought by a voter or resident [278].

B. Secretary of State. The secretary of state serves as the repository for statements of organization [279], and campaign statements for all statewide elected officers, members of the legislature and board of equalization, justices of the supreme court of appeals, judges of the superior court, and their controlled committees, committees formed or existing primarily to support or oppose such candidates or elected officers, and state central committees of political parties [280]. When the secretary of state receives any campaign statement filed pursuant to the Federal Election Campaign Act [281], the secretary must send a copy of the statement of a candidate for president, vice president, U.S. senator, or a committee supporting such candidates to the registrar-recorder of Los Angeles County and the registrar of voters of the city and county of San Francisco [282], and a copy of statements of candidates for U.S. representative and committees supporting such candidates, to the clerk of the county which contains the largest percentage of the registered in the election district which the candidate or any of the candidates seek nomination or election, and to the clerk of the county within which the candidate resides or in which the committee is domiciled, provided that if the committee is not domiciled in California, the statement must be sent to the registrar-recorder of Los Angeles County [283].

The secretary of state also is empowered to appoint a member of the fair political practices commission [284], and must annually forward a list of political parties qualified to receive public funds to the franchise tax board [285].

C. Controller. The controller has the power to appoint a member of the fair political practices commission [286]. If the attorney general, secretary of state, and the controller are all members of the same political party, the chairman of the state central committee of any other political party with a registration of more than 500,000 may submit to the controller a list of not less than five persons who are qualified and willing to be members of the commission [287]. The list must be submitted not later than January 2nd immediately prior to any appointment by the controller [288]. If the controller receives one or more lists pursuant to this provision, the controller's appointment must be made from one of such lists [289]. The controller also transfers state general fund monies to the election campaign fund [290] and makes appropriate payments to qualified parties [291].

D. Attorney General and District Attorney. The attorney general is empowered to appoint a member of the fair political practices commission [292], and, upon request of the commission, is required to provide legal advice and representation without charge to the commission [293]. The attorney general may waive notice requirements for providing immunity to a witness in a commission hearing [294].

The attorney general is responsible for enforcing the criminal provisions of the act with respect to state agencies, lobbyists, and state elections [295]. The district attorney of any county in which a violation occurs has concurrent powers and responsibilities with the attorney general [296]. The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of the act [297]. The civil prosecutor is the Commission, with respect to the state or any state agency, except itself, for which the attorney general serves as civil prosecutor [298]. The district attorney is the civil prosecutor with respect to any other agency [299]. The civil prosecutor may bring any civil action under the act which could be brought by a voter or resident of the jurisdiction [300]. Upon written authorization from a district attorney, the commission may bring any civil action under the act which could be brought by a voter or resident of the jurisdiction [301].

E. Franchise Tax Board. The franchise tax board makes audits and conducts fraud investigations of reports and statements filed with the secretary of state for all candidates and committees supporting or opposing such candidates except candidates for controller and members of the board of equalization and their supporting committees [302]. The subjects for audit are selected by lot in the public by the fair political practices commission after the last date for filing the first report on statement following the general or special election for which the candidate ran, or following the the election at which the measure was adopted or defeated [303]. Public selection of lobbyist audits is done annually [304].

Each statewide, supreme court, court of appeals, or board of equalization candidate in a direct primary or general election for whom it is determined that $25,000 or more in contributions have been raised, or $25,000 or more in expenditures have been made, whether by candidate or by a committee or committees controlled by the candidate, or whose participation in the direct primary or general election is primarily in support of his candidacy may be audited [305]. Each statewide candidate whose contributions and expenditures are less than $25,000 may be subject to an audit on a random basis of 10 percent of the number of such candidates [306]. Each candidate for the legislature or superior court bench in a direct primary or general election may be subject to audit by random selection if it is determined that $15,000 or more in contributions have been received, or $15,000 or more in expenditures have been made, whether by the candidate, or by a committee or committees controlled by the candidate, or primarily supporting his candidacy [307]. Random selection must be made of 50% of the senate districts, 50% of the assembly districts, and 50% of the judicial offices contested in an election year [308]. Each candidate for the Legislature in a special primary or special runoff election for whom it is determined that $15,000 or more in contributions have been raised, or $15,000 or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his candidacy must also be audited [309].

Each controlled committee of any candidate who is being audited is also to be audited [310], as is each recipient or independent expenditure committee primarily supporting a candidate who is being audited if the committee has expended more than $10,000 on the measure or measures [311]. Each committee, other than a recipient or independent expenditure committee whose participation is primarily in support of or in opposition to a state measure or state measures is to be audited if it is determined that the committee has expended more than $10,000 on such measure or measures [312]. Each committee, other than a recipient or independent expenditure committee, a controlled committee, or a committee primarily supporting or opposing a state candidate on measure, if it is determined that the committee has raised or expended more than $10,000 supporting or opposing state candidates or state measures during any calendar year, except that if the commission determines from an audit report that a committee is in substantial compliance with the provisions of the act, the committee thereafter is subject to an audit on a random basis with each such committee having a 25% chance of being audited [313]. The franchise tax board and fair political practices commission may make discretionary investigations and audits with respect to any reports or statements required to be filed under the act [314].

No audit or investigation of any candidate, controlled committee, or committee primarily supporting or opposing a candidate or a measure in connection with a required report or statement shall begin until after the last date for filing the first report or statement following the general, runoff, or special election for the office for which the candidate ran, or following the election at which the measure was adopted or defeated, except that audits and investigations of statewide candidates, their controlled committees, and committees primarily supporting or opposing such statewide candidates, supporting candidates who were defeated in the primary election and who are not required to file statements for the general election may begin after the last date for filing the first report or statement following the primary election [315]. When the campaign statements or reports of a candidate, controlled committee, or a committee primarily supporting or opposing a candidate are audited and investigated, the audit and investigation must cover all campaign statements and reports filed for the primary and general or special or runoff elections and any previous campaign statement or report filed since the last election for that office [316]. When the campaign statements or reports of a committee primarily supporting or opposing a measure are audited and investigated, the audit and investigation must cover all campaign statements and reports from the beginning date of the first campaign statement filed by the committee in connection with the measure [317]. For all other committees, the audit and investigation covers all campaign statements filed during the previous two calendar years [318]. Audit guidelines and standards have been promulgated by the commission [319].

The franchise tax board must periodically prepare reports which must be sent to the commission, the secretary of state, and the attorney general (unless the reports relate to candidates for or committees supporting or opposing candidates for the office of attorney general, in which case reports shall be sent to the commission, the secretary of state, and the district attorneys of Los Angeles, Sacramento, and San Francisco counties) [320]. The reports of the franchise tax board must be public documents, and must contain in detail the board's findings with respect to the accuracy and completeness of each report and statement reviewed and its findings with respect to any report or statement that should have been but was not filed [321].

The franchise tax board must certify to the controller, on or before July 1st of each year, the total amount designated under the election campaign fund act by April 15th of that year for the benefit of each qualified political party [322]. The franchise tax board and the controller may designate a reasonable amount to be retained by the state from the fund to compensate the state for reasonable administrative expenses connected with the operations of the fund [323].

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8. 2 Fair Political Practices Commission Opinions (hereafter Opinions) 17, No. 75-161, February 3, 1976
9. CGC § 84300(a)
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11. CGC § 84300(a)
12. CGC § 82036
13. CGC § 82036
14. CGC § 84300(c)
15. CGC § 84300(d)
16. CGC § 84301
17. CGC § 84302
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19. CGC § 84304
20. CGC § 84306
21. CGC § 84307
22. CGC § 84309
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24. CGC § 84308(b)
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30. CGC § 3209
31. CGC § 82025
32. CGC § 82031
33. CGC § 84300(b)
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52. CGC § 84102
53. CGC § 84102(f)
54. CGC § 84103
55. CGC § 84200
56. CGC § 84202(b)
57. CGC § 84202(a)
58. CGC § 84205(a)
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60. CGC § 84200
61. CGC § 84205(b)
62. CGC § 84205(b)
63. CGC § 84205(c)
64. CGC § 84200; V.G. Nielsen Jr., California Journal Practical Guide to State and Federal Campaign Reform Laws (1982-1983 ed.) (hereafter Neilsen) 5 (1982)
65. CGC § 84200(b)(1)
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67. CGC § 84200(b)(3)
68. CGC § 84200(b)(4)
69. CGC § 84200(b)
70. CGC § 84200(c)
71. CGC § 84202(g)(h)
72. CGC § 84202(i)
73. CGC § 84200(c)
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76. CGC §§ 84203(a)(1); 84204(a)(1)
77. CGC §§ 84203(a)(2); 84204(a)(2)

78. CGC § 84204(a)(3)
79. CGC §§ 84203(b); 84204(b)
80. CGC §§ 84203(c); 84204(d)
81. CGC § 84200(d)
82. CGC § 84202(j)
83. CGC §§ 84200(b)(4); 84200(d)
84. CGC § 84206(a)
85. CGC § 84206(b); Letter from J.S. McClean 2, November 29, 1983
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93. CGC § 84207(c)
94. CGC § 84207(e)
95. CGC § 84210(a)
96. CGC § 84210(a)
97. CGC § 84210(b)
98. CGC § 84210(c)
99. CGC § 84209
100. 2 Regs. § 18419(b)(1)
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104. 2 Regs. § 18419(e)
105. 2 Regs. § 18419(b)(5)
106. 2 Regs. § 18420
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109. CGC § 86108(a)
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138. CGC § 84211(n)
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145. CGC § 84208(d)(1)
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149. CGC § 84208(d)(5)(A)
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151. CGC § 84208(d)(5)(C)
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153. CGC § 84208(d)(5)(E)
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170. 1 Opinions 113, 114-115, No. 75 August 21, 1975
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176. CRTC § 18760
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178. CEC § 6430(a)
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189. 2 Regs. § 18404(a)
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192. 2 Regs. § 18404(b)(2)
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194. 2 Regs. § 18404(b)(4)
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198. CGC § 91000(a)
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213. CGC § 91010; see generally CGC § 91002(b)
214. CGC § 91011(a)
215. CGC § 91011(b)
216. CGC § 91004
217. CGC §§ 91005(a); 91008
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230. CGC § 83116(c)
231. CGC § 91013(a)
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235. CGC §§ 83100, 83111
236. CGC § 83101
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238. CGC § 83100
239. CGC § 83102(a)
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241. CGC § 83104
242. CGC § 83112
243. CGC § 83113(a)
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253. CGC § 83114(a)
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261. CGC § 83115
262. CGC § 83115
263. CGC § 83115.5
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266. CGC §§ 11500 et seq.; 83116
267. CGC § 83118
268. CGC § 83119
269. CGC § 83119
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271. CGC § 83116(a)
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279. CGC § 84101
280. CGC § 84215(a),(b)
281. 2 U.S.C. § 431 et seq.
282. CGC § 84217(a)
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284. CGC § 83102(a)
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289. CGC § 83102(b)
290. CRTC § 18740(a)
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302. CGC §§ 90000; 90006
303. CGC § 90001(i)
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309. CGC § 90001(d)
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312. CGC § 90001(g)
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314. CGC § 90003
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CAMPAIGN FINANCE LAW
IN COLORADO

I. INTRODUCTION

Colorado requires candidates, certain political committees, and persons making independent expenditures of more than $100 to file information on all contributions and expenditures in a report before and after each election. Supplemental reports are required until a report shows a zero balance. Late contributions of more than $500 must be reported by the recipient within 48 hours after receipt. Contributions by individuals are limited to an aggregate of $15,000 per election and specified amounts for each candidate and political parties. Candidates and members of their families are not limited in the amount they may contribute to the candidate's campaign. Direct corporate and labor union contributions are prohibited. Labor organization political action committees are limited to an aggregate of $50,000 per election, and the same limits per candidate as individuals; while corporate political action committees are limited to an aggregate of $100,000 per election, with twice the limits per candidate permitted of individuals. Political parties are not limited in their contributions. Cash contributions are limited to $50, and anonymous contributions must be less than $15. Contributions in the name of another are prohibited. Colorado offers no tax incentives for political contributions nor a mechanism for public financing of election campaigns. The secretary of state is responsible for overseeing the campaign finance provisions of the law. Any home rule municipality may adopt ordinances or charter provisions that are more stringent than any or all of the provisions of the Campaign Reform Act.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a gift, loan, pledge, advance of money, or a guarantee of a loan made to or for any candidate or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate [1]. A contribution includes a transfer of any money between one political committee and another; a gift of money to or for any incumbent in public office to compensate the official for his public service, or to help defray the official's expenses incident to public service which are not covered by official compensation; the payment of any money by any person, other than a political committee working on a candidate's behalf, for political services rendered to the candidate or political committee; any payment made to third parties at the request of, or with the prior knowledge of a candidate, political committee, or agent of either; and any payment made after an election to meet any deficit or debt incurred during the campaign [2].

A contribution does not include services provided without compensation by an individual volunteering time on behalf of a candidate or political committee [3]. Any transfer of money between political committees is a contribution to the political committee which receives the money [4].

A contribution in-kind is a gift or loan of any item of real or personal property, other than money, made to or for any candidate or political committee to influence the passage or defeat of any issue, or the nomination, retention, election, or defeat of any candidate [5]. A contribution in-kind includes a gift or loan of any item of real or personal property other than money, to or for any incumbent in public office from any other person, the purpose of which is to compensate the official for his public service, or to help the official defray expenses incident to public service which are not covered by official compensation [6]. Personal services are a contribution in-kind by the person paying compensation for the services, but volunteer services are not included [7]. A contribution in-kind does not include an endorsement of candidacy or an issue by any person [8]. In determining the value to be placed on in-kind contributions, a reasonable estimate of fair market value may be used [9].

B. Limitations on the Nature of Contributions. All contributions received by a candidate or political committee must be deposited in a financial institution in a separate account whose title must include the name of the candidate or political committee [10].

No person may make any contribution in currency or coin exceeding $100 in support of, or in opposition to any candidate, political committee, or issue [11]. A contribution may not be made or accepted in a way that hinders or prevents identification of the true donor [12].

No agency, department, board, division, bureau, commission, or council of the state, or any of its political subdivisions, may make any contribution or contribution in-kind in campaigns involving the nomination, retention, or election of any person to public office [13]. They may, however, make contributions or contributions in-kind in campaigns involving only issues in which they have an official concern [14]. In such instances, unless specifically approved by the governing board or legislative body of the political subdivision involved, no public funds or supplies must be expended or used [15]; no employee or paid officer, other than the candidate, may work on a campaign during working hours, or use any public facility or equipment in a campaign during working hours [16]; no transportation or advertising involving public property or funds may be provided for the purpose of directly or indirectly influencing the passage or defeat of an issue [17]; and no employee or officer may be granted leave from his job or office with the public agency, with pay, to work on a campaign [18].

No candidate or campaign treasurer may use any contribution or contribution in-kind received from any person for private purposes not reasonably related to influencing the passage or defeat of any issue; the nomination, retention, election, or defeat of any candidate; voter registration or political education [19]. No person may pay, cause to be paid, or attempt to pay to any candidate or to any political committee any money or any other thing of value for the purpose of encouraging a candidate to withdraw his candidacy in return for money or any other thing of value [20].

C. Limitations on Solicitations. It is unlawful for any employer, or any officer or agent of the employer, to enclose in paying his employees their pay in envelopes upon which are written or printed any political mottoes, devices, or arguments containing express or implied threats intended or calculated to control the political opinions, views, or actions of the employees [21], or to put up or exhibit, within 90 days before any municipal election, in the employer's place of business or place where his employees may be working or be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information that if a particular candidate is elected or issue carried, work in the establishment will cease in whole or in part, or the employees' wages will be reduced, or containing any other expressed or implied threats intended to control the employees' political opinions or actions [22].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is the payment, distribution, loan, or advance of any money or in-kind contribution by any candidate, political committee, or agent of either, for the purpose of influencing the passage or defeat of any issue, or the nomination, retention, election, or defeat of any candidate [23]. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined [24].

An expenditure does not include services provided without compensation by any candidate or political committee, or expenditures from the candidate's own funds for his personal or family activities [25].

B. Limitations on Nature of Expenditures. No candidate or political committee may make any expenditure in currency or coin exceeding $100 for any purpose related to the candidate's campaign or to the passage or defeat of an issue [26].

No agency, department, board, division, bureau, commission, or council of the state, or any of its political subdivisions, may make any contribution or contribution in-kind in campaigns involving the nomination, retention, or election of any person to public office [27]. They may, however, make contributions or contributions in-kind in campaigns involving only issues in which they have an official concern [28]. In such instances, unless specifically approved by the governing board or legislative body of the political subdivision involved, no public funds or supplies shall be expended or used [29]; no employee or paid officer, other than the candidate, may work on a campaign during working hours, or use any public facility or equipment in a campaign during working hours [30]; no transportation or advertising involving public property or funds may be provided for the purpose of directly or indirectly influencing the passage or defeat of an issue [31]; and no employee or officer may be granted leave from his job or office with the public agency, with pay, to work on a campaign [32].

No candidate or campaign treasurer may use any contribution or contribution in-kind received from any person for private purposes not reasonably related to influencing the passage or defeat of any issue; the nomination, retention, election, or defeat of any candidate; voter registration; or political education [33]. No candidate may pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space or materials and services [34]. Any such rate must not be rebated, directly or indirectly [35]. No person may pay, cause to be paid, or attempt to pay to any candidate or to any political committee, any money or any other thing of value for the purpose of encouraging a candidate to withdraw his candidacy, nor may any candidate offer to withdraw his candidacy in return for money or any other thing of value [36].

IV. REPORTING REQUIREMENTS

A. Registration. When any individual becomes a candidate, he must certify, by affidavit filed with the appropriate filing officer within 10 days, that he is familiar with the provisions of the Campaign Reform Act [37].

Every political committee supporting or opposing a candidate, statewide issue, or issue, must file a statement of organization with the appropriate officer no later than 15 days after opening a bank account [38]. The statement of organization must include the name, the address, the candidate or issue it supports or opposes, and any other purpose of the committee [39], and the name and address of the political committee's campaign treasurer [40]. Any political committee whose purpose is the recall of any elected official must file a statement of organization with the appropriate officer no later than 15 days after opening a bank account [41].

B. Reporting by Candidates and Committees. Eleven days prior to and within 30 days after each regular election, every candidate seeking election to any municipal office for which the monthly compensation is $100 or more, except write-in candidates who are not elected, must file an itemized statement with the clerk showing, in detail, all the moneys contributed or expended by him in aid of his election [42]. The statement is to include the names of those receiving money, the amount of each item, and the purpose for which it was expended or contributed [43]. The statement must be attached to an affidavit subscribed and sworn to by the candidate, that says the statement is, to the best of the candidate's knowledge and belief, a true, correct, and complete statement of all moneys contributed or expended by him [44].

The campaign treasurer must file reports of all contributions received and all expenditures made by, or on behalf of, all other candidates or political committees 11 days before and 30 days after any election, complete as of five days prior to the filing date [45]. Any incumbent in, or elected candidate to, public office who receives any contribution or contribution in-kind from any other person to compensate him for public services, or to help defray his expenses incident to office, but not covered by official compensation, must file with the appropriate filing officer, on or before January 15th of each year, a supplemental report for the preceding calendar year [46]. The first report by a candidate must include any contributions or expenditures received, or made in behalf of the individual's candidacy, prior to the filing of the candidate affidavit [47]. Reports of contributions and expenditures of a recall committee are to be filed with the appropriate officer within 15 days after the filing of the statement of organization, and every 30 days thereafter, until the date of the recall election has been established, at which time the recall committee is to conform to the filing schedule set forth for candidates and political committees [48].

Every report must contain the amount of funds on hand at the beginning of the reporting period [49]; the name and address of each person who has made an aggregate contribution to or for the candidate or political committee within the reporting period in excess of $25, or a contribution in excess of $100, together with the amount and date of the contribution, or a chronological listing of all contributions and contributions in-kind, including the name and address of each contributor [50]; the total sum of all contributions and contributions in-kind to or for the candidate or political committee during the reporting period [51]; the name and address of each person to whom expenditures have been made by, or on behalf of, the candidate or political committee within the reporting period in excess of $25, together with the amount, date, and purpose of each such expenditure, and the name of, and office sought by each candidate on whose behalf the expenditure was made [52]; the total sum of all expenditures made by the candidate or political committee during the reporting period [53]; and the name and address of any bank or other depository for funds used by the candidate or political committee [54].

The campaign treasurer is to file reports of any contribution or contribution in-kind in excess of $500 received by the candidate or political committee at any time within 16 days preceding the election [55]. This report is to be filed or postmarked no later than 48 hours after receipt of the contribution [56].

Not less than 11 days before an election and not more than 30 days after the date of an election, each person who makes any expenditure, directly or indirectly, in an aggregate amount exceeding $100 in support of, or in opposition to, any specific candidate or issue, other than by contribution or contribution in-kind directly to a candidate or political committee, must file an individual statement of expenditure with the appropriate officer, containing the name and address of any person to whom an expenditure in excess of $25 has been made, by any such person, in support of, or in opposition to, any such candidate or issue during the reporting period, together with the amount, date, and purpose of each expenditure [57]; and the total sum of all expenditures made in support of, or in opposition to, any such candidate or issue [58].

Each report must also disclose the full amount of any loan reasonably related to the campaign, the method of the loan's disposition, the balance due on the loan, the interest, if any, and the name of the person making the loan [59]. If the loan is not paid in full within 30 days after the election to which it applied, the candidate must file annually, on the anniversary date of the election to which the loan applied, a report concerning the disposition of the loan until it is repaid [60].

If a final report shows an unexpended balance of contributions or an expenditure deficit, a supplemental report must be filed one year after the applicable election, and annually thereafter, until the report shows no unexpended balance and no deficit [61]. In the event the status of the balance or deficit is unchanged, the supplemental report must be filed with a statement noting that the balance or deficit is unchanged [62]. Each such report must be complete through the end of the last preceding calendar year and must state the disposition of any unexpended balance or deficit [63].

C. Exemptions from Reporting. The reporting provisions do not apply to any association, political party, political organization, corporation, labor organization, or other group of persons which receives contributions or contributions in-kind from any person through events such as dinners, luncheons, rallies, or other fundraising events, if the contribution or contributions in-kind are intended to be given to another organization or group of persons, which in turn distributes or contributes such contributions or contributions in-kind to one or more candidates or political committees, except that any such organization or group of persons must report the name and address of each person who has made a contribution or contribution in-kind in excess of $25 [64]. The reporting requirements for these contributions or contributions in-kind apply to the recipient organization or group of persons [65].

The reporting provisions also do not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of that political party at the national level, if copies of the reports required to be filed with the Federal Election Commission are filed with the secretary of state, and contain the information required by the Campaign Reform Act [66].

Any political committee in support of, or in opposition to, any issue which, in any calendar year, receives contributions or contributions in-kind not exceeding an aggregate of $250, or which makes less than an aggregate of $250 in expenditures is not required to file reports other than the statement of organization [67].

D. Place of Filing. Reports of candidates for statewide office, the general assembly, district attorney, district court judge, or any office representing more than one county, and political committees in support or opposition to such candidates or in support of or opposition to statewide issues, must be filed with the secretary of state [68]. Political committees in support of or opposition to issues which are not statewide issues, but are issues in a political subdivision which includes more than one county must file with the county clerk and recorder of each such county [69]. All other candidates and political committees must file with the county clerk and recorder of the county of their residence [70]. Reports will be deemed timely filed if mailed by first-class mail and postmarked or received by the appropriate officer not later than the designated day [71].

V. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. A supplemental report is required each year on the anniversary date of the election if any final report shows an unexpended balance of contributions or an expenditure, until the unexpended balance or deficit has been resolved [72]. A similar report is required if a loan, reasonably related to the campaign, is not paid within 30 days after the election to which it applied [73].

B. Recordkeeping. All records pertaining to campaign accounts must be maintained by the candidate or political committee for 60 days after submission of the final report, unless a complaint is filled, in which case they must be maintained until the final disposition of the complaint and any consequent litigation [74].

C. Distribution of Surplus Funds. Contributions not expended on behalf of a candidate's campaign, upon approval of the candidate or political committee, may be contributed to the county or state central committee of that candidate's political party or any other political committee on file with the secretary of state [75]. Contributions not expended on behalf of a nonpartisan candidate's campaign, upon approval of the nonpartisan candidate or political committee, or contributions not expended on behalf of a political committee's campaign seeking to influence the passage or defeat of any issue, upon approval of the appropriate committee, may be distributed to any nonprofit or charitable organization, or to the state or any political subdivision, but not to any political party or candidate [76].

VI. OFFENSES AND PENALTIES

Any person who knowingly violates any provision of the Campaign Reform Act, or who gives or accepts any contribution or contribution in-kind required to be reported in such a way as to hinder or prevent identification of the true donor, commits a class 3 misdemeanor [77]. Any such person who conspires with another to violate any provision of the Campaign Reform Act and who is also a candidate must, in addition, forfeit the right to assume the nomination or take the oath, in which case the office must be vacated, and the vacancy filled as provided by law [78]. No person who has not fully complied with the provisions of the Campaign Reform Act may be permitted to be a candidate for any public office, in any subsequent election, until the deficiencies have been corrected [79]. It must be an affirmative defense to prosecution under the Act that the offender did not have actual knowledge of his responsibility under the Act, and was an uncompensated volunteer [80].

Any candidate who refuses or neglects to file a required municipal statement commits a misdemeanor, punishable by a fine of not more than $1,000, or by imprisonment in the county jail for not more than one year, or both [81]. The same penalty applies to an employer violating the provisions against coercion of employees in a municipal election [82].

The appropriate filing officer, after proper notification by certified mail, must impose an additional penalty of not more than ten dollars per day for each day that a statement or other information required to be filed is not filed, with the filing officer authorized to excuse the penalty for bona fide personal exigencies [83]. The date of filing is the date of the postmark [84].

VII. REGULATORY AGENCIES

A. Secretary of State. The secretary of state must prescribe the forms for statements and other information required to be filed, and furnish the forms and information to county clerks and recorders, free of charge, for use by candidates and other persons required to file [85]; prepare, publish, and furnish, free of charge, to county clerks and recorders, candidates, and campaign treasurers, and to other persons at cost, an instruction sheet setting forth a suggested system for accounts for use by persons required to file statements [86]; develop a filing and indexing system for the secretary's office consistent with the Act [87]; make the reports and statements filed with the secretary's office available for public inspection and copying, commencing as soon as possible, but not later than the end of the second day following the day received [88]. The secretary must permit copying of any report or statement by hand or by duplicating machine at the person's expense [89].

The secretary must also notify any person required to file a statement if it appears that the person has failed to file a required report or that a statement filed does not conform to law [90]. The secretary is to preserve any statement or copies required to be filed for a period ending at the termination of the term of office of the candidate who is elected, and for one year after the date of receipt for all other candidates [91]. Any statement required to be filed must, however, be preserved until any complaint initiated is resolved [92]. The secretary of state is required to reimburse the county clerk and recorder of each county two dollars per candidate per election to help defray the costs associated with report processing and retention [93].

The secretary of state is also empowered to conduct hearings on matters within his jurisdiction [94]. Any person who believes a violation of the Act has occurred may file a written complaint with the secretary no later than 60 days after the date of the final report of a candidate or political committee [95]. If a written complaint is filed by a qualified elector alleging that a statement filed does not conform to law or to the truth, or that person has failed to file a statement required by law, the secretary must immediately notify that person [96]. A hearing officer may be appointed [97]. If the secretary of state determines, after a hearing, that such a violation has occurred, he must so notify the attorney general [98].

B. County Clerk and Recorder. Each county clerk and recorder is to develop a filing and indexing system for his office consistent with the Campaign Reform Act [99]; preserve any statement or copies required to be filed for a period ending at the termination of the term of office of the candidate who is elected, and statements or images of those statements of all other candidates or political committees, for a period of one year after the date of receipt [100]; make the reports and statements filed available for public inspection and copying as soon as practicable, but not later than the end of the second day following the day received [101]. Copying of any report or statement may be made by hand or by duplicating machine at the expense of the person requesting it [102]. The county clerk or recorder also must transmit to the secretary of state all records and statements required to be filed which the secretary of state may deem necessary in the investigation of any complaint [103]; notify the person required to file a statement or report that he has failed to file, or that a complaint has been filed with the secretary of state alleging a violation [104]; and report violations of law to appropriate law enforcement authorities [105].

C. Attorney General. Upon notice by the secretary of state that a violation of the Campaign Reform Act has occurred, the attorney general must institute a civil action for relief, including a permanent or temporary injunction, a restraining order, or any other appropriate order, in the district court [106]. Upon a proper showing that the person has engaged, or is about to engage, in such acts or practices, a permanent or temporary injunction, restraining order, or other order must be granted without bond by the court [107].

REFERENCES

1. Colorado Revised Statutes (hereafter CRS) § 1-45-103(4)
2. CRS § 1-45-103(4)
3. CRS § 1-45-103(4)
4. CRS § 1-45-103(4)
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6. CRS § 1-45-103(5)
7. CRS § 1-45-103(5)
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9. CRS § 1-45-103(5)
10. CRS § 1-45-107
11. CRS § 1-45-111
12. CRS § 1-45-121(1)
13. CRS § 1-45-116
14. CRS § 1-45-116; what is of official concern to a school district board of education is to be determined by reference to the official powers and duties delegated by the General Assembly in the school laws, and is not a judgment which can be made solely by the Board of Education. *Mountain States Legal Foundation v. Denver School District No. 1*, 459 F.Supp. 357 (D.Colo. 1978)
15. CRS § 1-45-116(a)
16. CRS § 1-45-116(b)
17. CRS § 1-45-116(c)
18. CRS § 1-45-116(d)
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20. CRS § 1-45-119
21. CRS § 31-10-1522(1)(c)
22. CRS § 31-10-1522(1)(d)
23. CRS § 1-45-103(7)
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26. CRS § 1-45-112
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33. CRS § 1-45-117
34. CRS § 1-45-118
35. CRS § 1-45-118
36. CRS § 1-45-119
37. CRS § 1-45-105
38. CRS § 1-45-106(1)(a)
39. CRS § 1-45-106(2)(a)
40. CRS § 1-45-106(2)(a)
41. CRS § 1-45-106(5)
42. CRS § 31-10-1510
43. CRS § 31-10-1510
44. CRS § 31-10-1510
45. CRS § 1-45-108(1)
46. CRS § 1-45-108(2)
47. CRS § 1-45-105(1)
48. CRS § 1-45-106(3)
49. CRS § 1-45-108(4)(a)
50. CRS § 1-45-108(4)(b)
51. CRS § 1-45-108(4)(c)
52. CRS § 1-45-108(4)(d)
53. CRS § 1-45-108(4)(e)
54. CRS § 1-45-108(4)(f)
55. CRS § 1-45-108(6)
56. CRS § 1-45-108(6)
57. CRS § 1-45-110(a)
58. CRS § 1-45-110(b)
59. CRS § 1-45-109(2)
60. CRS § 1-45-109(2)
61. CRS § 1-45-109(1)
62. CRS § 1-45-109(1)
63. CRS § 1-45-109(1)
64. CRS § 1-45-108(5)
65. CRS § 1-45-108(5)
66. CRS § 1-45-108(5.5)
67. CRS § 1-45-104(3)
68. CRS § 1-45-104(1)
69. CRS § 1-45-104(4)
70. CRS § 1-45-104(1)
71. CRS § 1-45-104(2)
72. CRS § 1-45-109(1)
73. CRS § 1-45-109(2)
74. CRS § 1-45-107
75. CRS § 1-45-117
76. CRS § 1-45-117
77. CRS § 1-45-121(1)

78. CRS § 1-45-121(1)
79. CRS § 1-45-121(4)
80. CRS § 1-45-121(2)
81. CRS § 31-10-1504
82. CRS §§ 31-10-1504, 13-10-1522
83. CRS § 1-45-121(3)
84. CRS § 1-45-121(3)
85. CRS § 1-45-113(1)(a)
86. CRS § 1-45-113(1)(b)
87. CRS § 1-45-113(1)(c)
88. CRS § 1-45-113(1)(d)
89. CRS § 1-45-113(1)(d)
90. CRS § 1-45-114(a)
91. CRS § 1-45-113(2)(a)
92. CRS § 1-45-114(2)(b)
93. CRS § 1-45-115(2)
94. CRS § 1-45-113(1)(e)
95. CRS § 1-45-113(2)
96. CRS § 1-45-113(2)
97. CRS § 1-45-113(1)(e)
98. CRS § 1-45-113(2)
99. CRS § 1-45-115(1)(a)
100. CRS § 1-45-115(1)(b)
101. CRS § 1-45-115(1)(c)
102. CRS § 1-45-115(1)(c)
103. CRS § 1-45-115(1)(d)
104. CRS § 1-45-115(1)(e)
105. CRS § 1-45-115(1)(f)
106. CRS § 1-45-113(2)
107. CRS § 1-45-113(2)

CAMPAIGN FINANCE LAW
IN CONNECTICUT

I. INTRODUCTION

Connecticut requires candidates, political committees, and party committees spending or receiving more than $500 in any election, and any person spending more than certain threshold amounts in non-candidate elections, to file information on all contributions and expenditures in a series of five pre-election and one post-election reports (the numbers vary slightly for party committees). Supplemental reports are required for certain post-election transactions. Expenditures by individuals other than candidates and their families are limited to an aggregate of $15,000 per election, and different amounts depending upon the recipient. Direct corporate and labor organization contributions are prohibited, but labor organization political action committees may spend up to $100,000 per election, with twice the limits per contribution as individuals. Contributions may not be required of government employees. Cash contributions are limited to $50, and anonymous contributions must be less than $15. Connecticut offers no tax incentives for political contributions, nor a mechanism for public financing of election campaigns. The state elections enforcement commission is responsible for administering the campaign finance provision of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is any gift, subscription, loan, advance, payment, or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person, or for the purpose of aiding or promoting the success or defeat of any constitutional amendment, referendum question, or any question to be voted on at any election, or on behalf of any party [1]; a written contract, promise, or agreement to make a contribution for any such purpose [2]; the payment by any person, other than a candidate or campaign treasurer, of compensation for the personal services of any other person which are rendered without charge to a committee or candidate [3]; an expenditure, when made by a person with the cooperation of, or in consultation with any candidate, candidate committee, or agent of the candidate, or which is made in concert with, or at the request or suggestion of, any candidate, candidate committee, or agent of the candidate [4]; or funds received by a committee which are transferred from another committee or other source [5].

A contribution does not include a loan of money by a national or state bank made in the ordinary course of business [6]; any communication made by any corporation, labor organization, or other membership organization or association to its members, owners, stockholders, executive or administrative personnel, and their families [7], or nonpartisan voter registration or get-out-the-vote efforts by these entities aimed at these individuals [8]; services provided by individuals volunteering their own time [9]; the voluntary provision of real or personal property, and the cost of invitations, food, and beverages by an individual to a candidate, or on behalf of a state central or town political party committee, in connection with election-related events on the individual's residential premises, to the extent that the cumulative value of the invitations, food, and beverages provided on behalf of any single candidate for nomination or election does not exceed $200 for any single election, or $400 on behalf of all party committees in any calendar year [10]; the sale of any food or beverage for use in any candidate's campaign, or for use by any political party committee at a charge less than the normal comparable charge, if the charge is at least equal to the vendor's cost, and to the extent that the cumulative discount value does not exceed the $200 candidate or $400 party limit [11]; unreimbursed travel expenses of a volunteer, subject to the same limit [12]; the payment by a party committee, political committee, or individual of the costs of preparation, display, mailing, or other distribution incurred by the committee or individual for any printed slate card, sample ballot, or other printed list with the names of three or more candidates for nomination or election [13]; an individual's donation of personal property to a committee for a fundraiser, or the purchase by an individual of any such item at a fundraiser, to the extent that the cumulative value donated or purchased does not exceed $30 [14]; the purchase, by an individual, of a single ticket of not more than $15 to any fundraiser [15]; the purchase of advertising space in a program for a fundraiser, which clearly identifies the purchaser but does not exceed $100, if the purchaser is a stock corporation or other busi

B. Contributions by Corporation or Business Organization. No stock corporation or other business organization may make any contribution to, or for the benefit of any candidate's campaign for nomination or election to public office; to promote the defeat of any candidate for any political office; or to promote the success or defeat of any political party [19]. No stock corporation or other business organization may make contributions to, or on behalf of a party committee, political committee, or candidate committee [20]. A stock corporation or other business organization may make reasonable and necessary contributions to a political committee established by the stock corporation or business organization for the administration of, or solicitation of contributions to that political committee [21].

C. Contributions by Labor Organization and Its Political Committee. A labor organization may make contributions only by first forming its own political committee [22]. A labor organization is permitted to form only one political committee, which may receive funds from the labor organization's treasury, or voluntary contributions, but not both, and may make contributions to or for the benefit of any candidate's campaign for election or for nomination, or for any political party, or make contributions to another political committee [23].

No labor organization political committee may make contributions to or for the benefit of any general election candidate for governor in excess of $2,500 [24]; in excess of $1,500 for lieutenant governor, secretary of state, treasurer, comptroller, or attorney general [25]; in excess of $1,000 for sheriff, chief executive, or other office of a town, city, or borough elected at large [26]; in excess of $500 for state senator or probate judge [27]; or in excess of $250 for state representative or other municipal office [28].

Primary contributions are not to be in excess of these same amounts [29]. A labor organization's political committee may not make contributions to or for the benefit of any candidate's committee in excess of $250 for a single election or primary that determines the office the candidate will seek [30]. A labor organization political committee is limited in the total amount it may contribute to statewide candidates, candidates for the legislature, probate judge, and sheriff [31]. The limit is $50,000 for any single primary and election [32].

No labor organization political committee may make contributions, in any one calendar year, to or for the benefit of the state central committee of a political party in excess of $5,000 [33]; any other party committee in excess of $1,000 [34]; or any political committee in excess of $2,000 [35]. The later limitation does not apply to political committees formed solely to aid or promote the success or defeat of a constitutional amendment, referendum question, or a question to be voted on in any election, and a contribution to a political committee established by a candidate to "test the waters" [36]. A labor organization political committee is limited in the total amount of contributions it may make to these party and political committees [37]. The limit is $15,000 in any one calendar year [38].

D. Contributions Concerning a Ballot Question by Other Than an Individual or Committee. A person, other than an individual or a committee, may not make a contribution to a political committee, formed solely to aid or promote the success or defeat of any constitutional amendment, referendum question, or a question to be voted upon at any election, or to any other individual, committee, firm, partnership, organization, association, syndicate, company trust, corporation, or other non-government legal entity, to aid or promote the success or defeat of a constitutional amendment, referendum question, or other question, in excess of 10¢ per person residing in the state or political subdivision in which the election is held, in accordance with the last federal decennial census [39].

E. Contributions by Political Committee of Corporation or Business Organization. A political committee organized by a stock corporation or other business organization may not make contributions to or for the benefit of any candidate for governor in excess of $5,000 [40]; in excess of $3,000 for lieutenant governor, secretary of state, treasurer, comptroller, or attorney general [41]; in excess of $2,000 for sheriff [42]; in excess of $1,000 for state senator, probate judge, or chief executive officer or any other office of a town, city, or borough which is elected at large [43]; in excess of $500 for state representative [44]; or in excess of $250 for any other municipal office [45]. These same limitations apply to a primary [46], and a contribution limit of $250 is imposed for a contribution to or for the benefit of a "testing the waters" committee [47], with an overall aggregate limit of $100,000 in contributions for any single primary and general election [48].

F. Contributions by or to Party Committee or Political Committee Organized for Ongoing Political Activities. A party committee, or a political committee organized for ongoing political activities, may make other contributions to or for the benefit of another party committee [49]; a candidate committee [50]; a political committee [51]; any national political party committee [52]; or a committee of a candidate for federal or out-of-state office [53], without limitation. A party committee, or a political committee organized for ongoing political activities, may receive contributions from a party committee, but may not receive contributions from a committee of a candidate for federal or out-of-state office, unless it complies with certain reporting requirements [54].

G. Contributions by Candidate Committee. A candidate committee may not make contributions to or for the benefit of a party committee [55] (except a candidate committee may reimburse a party committee for expenditures incurred by the part committee for the candidate committee's benefit [56]); a political committee [57]; a committee of a candidate for federal or out-of-state office [58]; a national committee [59]; or another candidate committee, except if the contribution constitutes a pro rata share of operating a headquaters or the expenses of preparing, printing, and disseminating any political communication on behalf of that candidate and any other candidate or candidates [60], or the proceeds of a single joint fund raising event conducted according to law [61]. A candidate committee may not receive contributions from any national committee or from a committee of a candidate for federal or out-of-state office [62].

H. Contributions by Political Committee--General Limitations. Except as otherwise provided, a political committee may make contributions to or for the benefit of a party committee or a candidate committee without limitation, but may not make contributions to a national committee or a commitee of a candidate for federal or out-of-state office [63], and, except as otherwise provided, no political committee organized for ongoing political activities, in any one political year, and no political committee formed for a single election, primary, or referendum, with respect to that election, primary, or referendum, is permitted to make contributions in excess of $2,000 to another political committee, nor may a political committee organized for ongoing political activities, or formed for a single election or primary, make a contribution of more than $250 to a "testing-the-waters" committee [64].

I. Contributions by Political Committee of Corporation or Business Organization. A political committee organized by a stock corporation or other business organization may make unlimited contributions to or for the benefit of a political committee organized by a stock corporation or other business corporation [65].

J. Contributions to Political Committee Not Organized for Ongoing Purposes. A political committee that is not organized for ongoing purposes may not receive contributions from a committee of a candidate for federal or out-of-state office or from a national committee [66].

K. Contributions to or by Ballot Question Political Committee. A political committee formed solely to aid or promote the success or defeat of a constitutional amendment, referendum question, or a question to be voted upon at any election may not make contributions to or for the benefit of a party committee, a political committee, or a candidate committee [67], or receive contributions from a national committee or from a committee of a candidate for federal or out-of-state office [68].

L. Contributions by Individuals. No individual may make contributions to, for the benefit of, or pursuant to the authorization or request of a candidate or a committee supporting or opposing any candidate's campaign for nomination or election for governor in excess of $2,500 [69]; in excess of $1,500 for lieutenant governor, secretary of state, treasurer, comptroller, or attorney general [70]; in excess of $500 for state senator or probate judge [71]; or in excess of $250 for state representative [72]. Individuals are limited to $1,000 in contributions, under similar restrictions, to any candidate for nomination or election to any town, city, or borough office [73], and to $250 to any "testing the waters" committee [74]. An individual is limited to an aggregate of $15,000 of contributions to candidates covered by the campaign financing provisions [75].

No individual is permitted to make contributions in any one calendar year in excess of $5,000 to the state central committee of any party, or for the benefit of such a committee pursuant to its authorization or request; or $1,000 to a town committee of any political party, or to a political committee other than a political committee formed solely to aid or promote the success or defeat of a constitutional amendment, referendum question, or question to be voted upon in any election, or for the benefit of such a committee pursuant to its authorization or request [76]. No individual may make a contribution to a political committee established by an organization [77], or to a candidate committee and a political committee formed solely to support one candidate, other than a "testing of waters" committee, or for the benefit of a candidate committee and a political committee formed solely to support one candidate pursuant to the authorization or request of any such committee, in an aggregate amount in excess of the maximum which may be contributed to the candidate [78].

M. Candidate Expenditures Not Considered to Be a Contribution. A candidate may be reimbursed for his own personal expenses for postage, telegrams, stationery, expressage, traveling, meals, lodging, telephone calls, and printing and photocopying [79]; for campaign related expenditures for materials which are made in circumstances in which time is of the essesnce, and the treasurer is unavailable, up to an aggregate of $100 for any single primary or election [80]; or for the case of a properly-accounted for ticket to an event sponsored by a party or political committee, or non-profit organization up to $50 [81]. An expenditure made by a candidate to aid or promote the success of the candidate's campaign from his personal funds, or the funds of the candidate's spouse and children, is not deemed to be a contribution to any committee [82].

N. Designation of Campaign Treasurer and Depository. Except with respect to an individual acting on his own [83], no contributions may be made, solicited, or received, directly or indirectly, in aid of, or in opposition to the candidacy for nomination or election of any individual to public office, except presidential electors, United States senators, members of Congress, nominees as delegates to conventions, and candidates for members of town committees [84], or any party, constitutional amendment, referendum question, or a question to be voted upon at any election, unless a campaign treasurer has been properly designated [85], and a campaign depository has been properly designated [86].

No contribution in aid of, or in opposition to the candidacy of any person or persons may be made at any time, except to a properly designated campaign treasurer, or to a solicitor, an individual appointed by a campaign treasurer to receive moneys on the committee's behalf [87]. The campaign treasurer is to deposit contributions received by him, within seven days after receipt, in the designated depository [88]. Each anonymous contribution of $15 or more received by a committee must immediately be remitted by the campaign treasurer to the state treasurer, who deposits the contribution in the general fund [89].

O. Attribution of a Contribution by Check. A contribution in the form of a check drawn on a joint bank account is deemed to be a contribution made solely by the individual who signed the check [90]. If a check is signed by more than one individual, the contribution is to be divided equally among the cosigners [91].

P. Solicitation of a Contribution From Candidate. It is a corrupt practice for any person to solicit from any candidate any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same toward the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign, primary, referendum, or election [92].

Q. Solicitation of a Contribution by a State Employee. It is a corrupt practice for any state department head or deputy department head to solicit a contribution on behalf of, or for the benefit of, any candidate for state, district, or municipal office, or any political party [93].

R. Contributions Not Provided to Campaign Treasurer. It is a corrupt practice for any person, directly or indirectly, to pay, give, contribute, or promise any money or other valuable thing to defray, or toward defraying the cost or expenses of any campaign, primary, referendum, or election to any person, committee, company, club, organization or association, other than to a campaign treasurer, except for any expenses for postage, telegrams, telephoning, stationery, expressage, traveling, meals, lodging, or photocopying incurred by any candidate for office or for nomination, so far as may be permitted by law [94].

S. Contributions Not in Name of Contributor. It is a corrupt practice for any person, directly or indirectly, to personally, or through another person, make a payment or promise of payment to a campaign treasurer in any other name than his own, and for any campaign treasurer to knowingly receive a payment or promise of payment, or enters, or causes to be entered in the accounts in any other name than that of the person by whom such payment or promise of payment is made [95].

T. Contributions in Cash. It is a corrupt practice for any person to offer or receive a cash contribution in excess of $50 to promote the success or defeat of any political party, candidate, referendum question, contitutional amendment, or any question to be voted upon at any state election [96].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination or election of any person, or for the purpose of aiding or promoting the success or defeat of any constitutional amendment, referendum question, or any other question to be voted upon at any election, or on behalf of any political party [97]; a written contract, promise, or agreement to make an expenditure [98]; or the transfer of funds by a committee to another committee [99].

An expenditure does not include a loan by a bank made in the ordinary course of business [100]; any communication made by any corporation, labor organization, or other membership organization or association to its members, owners, stockholders, executive or administrative personnel, and their families [101]; nonpartisan voter registration and get-out-the-vote campaigns by any corporation, labor organization, or other membership organization or association to its members, owner, stockholders, executive or administrative personnel, and their families [102]; services provided without compensation by individuals volunteering their time [103]; any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical, unless the facilities are owned or controlled by any political party, committee, or candidate [104]; the use of real or personal property, and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate or on behalf of a state central or town committee, in rendering voluntary personal services for candidate or party-related activities on the individual's residential premises, to the extent that the cumulative value provided on behalf of any single candidate for nomination or election does not exceed $200 with respect to any single election, and on behalf of all state central and town committees does not exceed $400 in a calendar [105]; and any unreimbursed payment for travel expenses made by an individual volunteering personal services to any single candidate for nomination or election, to the extent that the cumulative value does not exceed $200 with respect to any single election, and on behalf of all state or town committees does not exceed $400 in a calendar year [106].

B. Expenditures by Corporation or Business Organization. No stock corporation or other business organization may make any expenditures to, or for the benefit of, any candidate's campaign for nomination or election to any public office, to promote the defeat of any candidate for any political office, to promote the success or defeat of any political party [107], or make expenditures to or on behalf of a committee, except a separate political committee established by that entity [108].

C. Expenditures by an Individual to Promote or Defeat a Ballot Question. An individual may make unlimited expenditures to promote the success or defeat of any constitutional amendment, referendum question, or any question to be voted upon at any election [109].

D. Designation of Campaign Treasurer and Depository. Other than with respect to an individual acting on his own, no expenditures may be made, directly or indirectly, in aid of, or in opposition to the candidacy of any individual, a party, or a constitutional amendment, referendum question, or other question to be voted on at any election unless a campaign treasurer [110] and a campaign depository have been properly designated [111].

E. Incurring of Financial Obligations by a Committee. No financial obligation may be incurred by a committee in aid of or in opposition to any political party, candidate or candidates, constitutional amendment, or other question unless authorized by the campaign treasurer [112].

F. Payment of Campaign Workers by Town Political Party Committee. On any primary or election day, the campaign treasurer of any town political party committee may appoint and authorize one individual in each voting district of the municipality in which the primary or election is being held to receive a check drawn by the treasurer against the designated depository account to the order of the individual in an amount not to exceed $250 [113], and make cash expenditures on behalf of the committee in an amount not to exceed an aggregate amount of $250 for per diem allotments to campaign workers [114], or necessary expenses incurred by the campaign workers that day [115].

G. Payment of Committee Obligations. No other payments, other than personal expenses of a candidate, in satisfaction of any election-related obligation incurred by a committee may be made by or accepted from any person other than the campaign treasurer [116]. Any such payment must be by check drawn by the treasurer on the designated depository [117]. A treasurer may draw a check of not more than $100 to establish a petty cash fund, and may deposit additional funds to maintain the fund at not more than $100 [118].

H. Use of Public Funds for Incumbent's Promotional Materials. No incumbent holding office, in the three months preceding an election in which he is a candidate for re-election or election to another office, may use public funds to mail or print for distribution flyers or other promotional materials intended to bring about the person's re-election or election [119].

I. Expenditures by Political Party or Ongoing Political Committee. A party committee or political committee organized for ongoing purposes may make contributions to a tax-exempt charitable institution or may make memorial contributions [120].

J. Authorized Committee Expenditures. Any campaign treasurer may pay the expenses of conducting polls concerning any political party, issue, candidate, or individual [121]. Other expenditures may be limited. Any campaign treasurer in accomplishing the committee's lawful purpose may pay expenses of hiring public halls and music for political meetings, of furnishing music, uniforms, banners, or fireworks for political clubs or public parades [122]; printing and circulating political newspapers, pamphlets, and books [123]; printing and distributing sample ballots or ballot labels [124]; renting rooms or office space, and any ordinary and necessary equipment or supplier to be used by the committees or their workers [125]; compensating clerks and persons employed in committee rooms and at the polls, and of furnishing reasonable entertainment to those persons necessarily employed, and to members of committees [126]; travel of candidates and committee workers in connection with any business which is necessary and proper to accomplish the lawful purposes of their committees, and public speakers and reasonable compensation to public speakers [127]; necessary postage, telegrams, telephone, printing, and express charges [128]; preparing, circulating, and filing petitions for nomination [129]; transporting electors to the polls [130]; of purchasing radio and television time, advertisements in newspapers and other communication media and advertising materials [131]; necessary fees for professional services, including but not limited to attorneys, accountants, public relations specialists, and campaign consultants [132]; or any other expense deemed necessary in accordance with state elections enforcement commission guidelines [133].

K. Prohibited Committee Expenditures. No political committee treasurer may provide an honorarium, compensation, or gift to any elected public official for speaking or other services for the campaign except for reimbursement of actual travel expenses or food and beverage for the personal consumption of the official or his immediate family in connection with the services [134], or a reported contribution to the official's campaign [135].

L. Expenditures by Individuals. An individual may, independent of any other person, make unlimited expenditures for the benefit of any candidate's campaign for nomination or election to any office [136].

IV. REPORTING REQUIREMENTS

A. General Provisions--Place of Filing. Each required statement or report from a party committee, political committee formed to aid or promote the success or defeat of a constitutional amendment or question to be voted upon at a state election, and a political or candidate committee formed to aid or promote the success or defeat of any candidate for governor, lieutenant governor, secretary of state, treasurer, comptroller, attorney general, sheriff, judge of probate and members of the general assembly is to be filed with the office of the secretary of state [137].

Each required statement or report from a political committee formed solely to aid or promote the success or defeat of a question to be voted upon at an election or referendum by the electors of a single municipality is to be filed only with the town clerk of the municipality in which the election or referendum is to be held, and in the case of a political committee or candidate committee formed to aid or promote the success or defeat of any other candidate, filing is with the town clerk of the municipality in which the candidate resides [138].

B. Statement of Organization For Political Committee. Each political committee must file a statement of organization with the proper authority within ten days after its organization, except that if any political committee is organized within ten days of any primary, election, or referendum in connection with which it intends to make any contributions or expenditures, it must immediately file the statement of organization [139]. The statement of organization is required to include the name and address of the committee [140]; a statement of the committee's purpose [141]; the name and address of its campaign treasurer, and deputy campaign treasurer [142]; the name, address, and position of its chairman and other principal officers, if applicable [143]; the name and address of the designated depository institution [144]; the name of each person, other than an individual, that is a member of the committee [145]; the name and party affiliation of each candidate whom the committee is supporting and the office sought by each candidate [146]; if the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party [147]; if the committee is supporting or opposing any consitutional amendment, referendum question, or question to be voted upon at any election, a brief statement identifying the substance of each such amendment or question [148]; if the committee is established by a stock corporation, other business organization, or other organization, the name of that corporation or organization [149]; if the committee files reports with the Federal Election Commission or any out-of-state agency, a statement to that effect, including the name of the agency [150]; and a statement indicating whether the committee is established for a single primary, election, or referendum, or for ongoing activities [151]. Any additions to or changes in information previously submitted in a statement of organization are to be submitted by the committee chairman to the proper authority within ten days of the addition or change [152].

C. Statement of Contributions and Expenditures

1. Candidate Committee and Political Committee. Each campaign treasurer of a candidate committee or political committee, other than a political committee formed for ongoing political activities, must file a statement of contributions and expenditures on the second Thursday of January, April, July, and October; on the 7th day before an election; and on the 7th day before a primary. The statement, sworn under penalty of false statement, must be filed with the proper authority and be complete as of seven days immediately preceding the required filing day, covering a period beginning with the first day not included in the last filed statement [153]. If the filing day is a Saturday, Sunday, or legal holiday, the statement is to be filed on the next business day [154], and is deemed timely filed if it is delivered by hand to the office of the proper authority before 4:30 p.m. or postmarked by the United States Postal Service before midnight on the required filing day [155].

The statement must include, but not be limited to an itemized accounting of each contribution, including the full name and complete address of each contributor and the amount of the contribution [156]; the total amount of anonymous contributions received and the denomination of the bills [157]; and an itemized accounting of each expenditure including the full name and complete address of each payee, the amount of the expenditure and the purpose of the expenditure, together with a statement of the balance on hand or deficit [158].

Contributions from a single individual to a campaign treasurer totaling an aggregate of $30 or less need not be individually identified, but a sum representing the total amount of all such contributions made by all such individuals during the period must be a separate entry, identified as "total contributions from small contributors" [159]. Each report is to include an itemized accounting of the receipts and expenditures relative to any testimonial affair or any other fundraising affair [160]. Each campaign treasurer of a committee must also include the name and address of any person who is the guarantor of a loan to, or the cosigner of a note with, the candidate on whose behalf the committee was formed, or the treasurer in the case of a political committee [161]. Within 45 days following any election and within 30 days following any primary, each campaign treasurer of a candidate committee, and within 45 days after any election or referendum, the campaign treasurer of each political committee, other than a political committee formed for ongoing political activities, must report the same information to the proper authority [162].

Within seven days after distribution of surplus funds or after all funds have been expended in accordance with law, the treasurer of a candidate committee, or of a political committee that is not formed for ongoing purposes or for "testing the waters" is required to file a sworn supplemental report in the same detail as any other required report, identifying all further contributions received since the previous report and stating the manner in which any surplus has been distributed or expended [163]. In the event of a deficit, the treasurer is to file a supplemental report 90 days after the election, primary, or referendum, and subsequently within 30 days after any increase or decrease in the deficit until the deficit is eliminated [164]. If any such committee does not have a surplus or deficit, the report required to be filed within 45 days following any election or referendum or within 30 days following any primary is the last required report [165].

When a statement is filed, the campaign treasurer must send a copy of the statement to the candidate and chairman of the committee [166].

Statements need not be filed by a candidate committee or political committee formed for a single primary or election until the committee receives or expends an amount in excess of $500 for the primary or election for which the committee was formed [167]; and a political committee formed solely to aid or promote the success or defeat of any constitutional amendment, referendum question, or question to be voted upon at any election, need not until the committee receives or expends an amount in excess of 10¢ for each person residing in the voting district or districts in which the election or referendum for which such committee was formed is to be held or $1,000, whichever is less [168].

2. Parties and Committees Organized for Ongoing Political Activities. On the 2nd Thursday in the months of January, April, July, and October; on the 7th day preceding any election; and on the 7th day preceding any primary in connection with which a party committee or political committee organized for the purpose of ongoing political activities has made or received a contribution or expenditure, the campaign treasurer of each such committee, except state central committees, must file with the proper authority a sworn statement of contributions and expenditures, complete as of seven days preceding the required filing day and covering a period to begin with the first day not included in the last filed statement, except that the period covered in the January report must include all contributions made or received and all expenditures made as of midnight, December 31st [169].

In the case of state central committees, on each January 30th, April 10th, and July 10th, and on the 12th day preceding any election, the campaign treasurer of each such committee must file with the proper authority a sworn statement of contribution and expenditure, complete as of the last day of the month immediately preceding the month in which such statement is to be filed in the case of statements required to be filed in January, April, and July complete as of seven days immediately preceding the 12th day preceding an election in the case of the statement required to be filed on the 12th day preceding an election, and in each case covering a period to begin with the first day not included in the last filed statement [170].

The statement must include, but is not limited to an itemized accounting of each contribution, including each contributor's full name and address and the full amount of the contribution [171], the total amount of anonymous contributions received and the denominations of the bills [172], and an itemized accounting of each expenditure, including each payee's full name and address and the amount and purpose of each expenditure, together with a statement of the balance on hand or deficit [173].

Contributions from an individual to a campaign treasurer totaling an aggregate of $30 or less need not be individually identified in the report, but a sum representing the total amount of all such contributions made by all such individuals during the period to be covered by the report must be a separate entry, identified as "total contributions from small contributors" [174].

All statements are also to include the name and address of any person who is the guarantor of a loan to or the cosignor of a loan with the committee or its treasurer [175].

Statements are not required to be filed by a party or political committee until the committee receives or expends more than $500 for the calendar year, except the statements required to be filed on the second Thursday of January and on the 7th day before any election must be filed by all such committees [176]. A party or political committee not required to file regular reports must instead file a sworn statement indicating that the committee has not received or expended more than $500 [177].

D. Reports from Single-Election Committees. A candidate committee or political committee formed for a single primary or election which is exempted from filing regular reports must instead file a sworn statement indicating that the committee has not received or expended more than $500 [178].

E. Reports from Other Persons in Connection with a Ballot Question. Any person other than an individual or a committee that makes expenditures in excess of $1,000 in the state or a political subdivision in which a constitutional amendment, referendum question, or question to be voted upon at any election is held must also file all designations and sworn financial statements required to be filed by political committees [179].

F. Reports from Solicitors. Each properly appointed solicitor is responsible for submitting to the campaign treasurer a list of all contributions made or promised to him, complete as of 72 hours immediately preceding midnight of the day before the treasurer is required to file statements, and to be received by the treasurer not later than 24 hours immediately before the required filing dates [180].

V. POST-ELECTION REQUIREMENTS

A. "Testing the Waters" Committee. A "testing the waters" committee that has a surplus in its account at the time of its dissolution must have that surplus transferred by the campaign treasurer to the subsequently formed candidate committee not later than 15 days after the candidate declares an intention to seek nomination or election to a particular public office [181]. In the event of a deficit, the treasurer must file a report 30 days after the decision or declaration with the proper authority and thereafter within 30 days after any increase or decrease in the deficit until it is eliminated [182]. If a "testing the waters" committee does not have a surplus or deficit, the report required to be filed after the declaration or decision is made by the candidate serves as the final report [183]. If the candidate decides not to seek nomination or election to a particular public office, the campaign treasurer shall, within fifteen days after the decision, distribute any surplus in the manner provided for political committees other than those formed for ongoing political activities [184].

B. Distribution of Surplus Funds. In the event of a surplus, the campaign treasurer of a candidate committee or of a political committee, other than a political committee formed for ongoing political activities, must distribute or expend the surplus within 90 days after a primary that results in the defeat of the candidate, an election, or referendum [185]. Each candidate committee, except a candidate committee of a candidate elected to office, and all political committees other than those formed for ongoing political activities, must distribute their surplus to a party committee or a political committee organized for ongoing political activities or return the surplus to all contributors to the committee on a prorated basis of contribution; however a candidate committee may not distribute its surplus to a committee that has been established to finance future political campaigns of the candidate [186]. Each political committee established by an organization for a single primary or election is required to return its surplus to its sponsoring organization [187]; each political committee formed solely to aid or promote the success or defeat of any constitutional amendment, referendum question, or question to be voted upon at any election is to distribute its surplus to a party committee, political committee organized for ongoing political activities, a national party committee, identified contributors on a prorated basis, state or municipal governments or agencies, or tax-exempt organization [188]; and the campaign treasurer of the candidate committee of a candidate who is elected to office may, upon the candidate's authorization, spend surplus campaign funds to pay for the cost of clerical, secretarial, or other office expenses necessarily incurred by the candidate in preparation for taking office, but the surplus is not to be distributed for the personal benefit of an individual or to any labor organization [189].

C. Supplemental Reports. Within seven days after the distribution of surplus funds or their expenditure on behalf of an incoming officeholder, the treasurer is to file a sworn supplemental report with the proper authority identifying all further contributions received since the previous report and stating how the surplus has been distributed or expended [190]. No surplus may be distributed or expended until after the primary, election, or referendum [191]. In the event of a deficit, the campaign treasurer is to file a supplemental report with the proper authority 90 days after the primary, election, or referendum and, thereafter within 30 days after any increase or decrease in the deficit until it is eliminated [192]. If a committee has no surplus or deficit, the report required to be filed within 45 days following an election or referendum or within 30 days following any primary serves as the last required report [193].

D. Post-Election Fundraising. No testimonial affair may be held without the consent of the person being honored nor may such a fundraiser be held later than 90 days after an election in which the person is a candidate; however, if the candidate has a deficit from the election, testimonial affairs may be held on the candidate's behalf until the deficit is eliminated [194].

VI. OFFENSES AND PENALTIES

A. Criminal Penalties. If any campaign treasurer fails to file the required statements within the time set forth, he must pay a late filing fee of $50 [195]. If the statement is not filed within seven days after notice is afforded the treasurer by the filing authority, the penalty is a fine of not more than $1,000, imprisonment for not more than one year, or both [196]. Any other knowing and willful violation of the campaign finance provision carries a fine of not more than $5,000, imprisonment for not more than five years, or both [197].

B. Liability for a Debt. No candidate, campaign treasurer, or committee is liable for any debt incurred in aid of or in opposition to any political party, constitutional amendment, or question to be voted upon at any election, referendum, or the candidacy of any person or persons for such offices unless the debt was incurred pursuant to authorization issued by the campaign treasurer [198].

VII. REGULATORY AGENCIES

A. Secretary of State and Town Clerk. The secretary of state is the designated filing officer for all party committees, political committees formed to aid or promote the success or defeat of a constitutional amendment or question to be voted upon at a state election, and those political committees and candidate committees formed to aid or to promote the success or defeat of any candidate for statewide elective office, sheriff, judge of probate, and members of the general assembly [199]. Political committees formed solely to aid or promote the success or defeat of a question to be voted upon at an election or referendum by the electors of a single municipality and political committees or candidate committees formed to aid or promote the defeat of any candidate other than those who file with the secretary of state are to file with the town clerk of the municipality in which the election or referendum is to be held or in which the candidate resides [200]. Each town clerk not receiving a salary is entitled to receive 10¢ from the town for each report filed [201].

The secretary of state is directed to prepare, print, and distribute all required forms to candidates and campaign treasurers by request [202]. The secretary of state also is required to prepare and print at state expense all forms for statements required to be returned and to furnish a sufficient supply of blank forms to each town clerk, who is to distribute the required forms to campaign treasurers by request [203]. Each town clerk not receiving a salary is entitled to receive 10¢ from the town for each copy of a required form that is mailed in response to a request [204].

If any candidate fails to file a required statement within the required time, the secretary of state or town clerk must immediately notify the campaign treasurer that, if the statement is not filed within seven days after receipt of notice, the secretary of state or town clerk will notify the state elections commission, the chief state's attorney, and the state's attorney for the judicial district in which the campaign treasurer resides that the treasurer is in violation of the law [205].

B. State Referee and Judge. Any state referee or any judge of the superior court, upon the written request of any state's attorney or any assistant state's attorney, may conduct an inquiry as to whether any crime has been committed concerning any matters mentioned in the request within the jurisdiction of the state's attorney or assistant state's attorney making the request, and the referee, or judge, or state's or assistant state's attorney will have power, by subpoena, to compel the attendance of any witness, who may be examined relative to any matter under investigation [206]. The referee, judge, or attorney also has the power, by subpoena duces tecum, to compel the production for examination of any books or papers or any other thing that may be required in the conduct of any hearing, and any person who fails to appear as a witness, or any person in attendance as a witness who refuses to be sworn as a witness or who, having being sworn, refuses to answer any proper question and any person who, having been summoned, neglects or fails to appear before the referee or judge, may be guilty of contempt and fined not more than $25, or imprisoned not more than 30 days, or both [207].

C. State Elections Enforcement Commission. The five-member state elections enforcement commission consists of one member appointed by the minority leader of the house of representatives, one appointed by the minority leader of the senate, one appointed by the president pro tempore of the senate, one appointed by the speaker of the house of representatives, and one appointed by the governor [208]. No person who has served within the previous three years as a public official, other than a member of the commission, or who has served within the previous three years as a political party officer may be appointed to the commission [209].

The commission is to make investigations on its own initiative, or with respect to statements filed with the commission by the secretary of state or any town clerk, or upon written complaint under oath by any individual with respect to alleged violations of any provision of the law pertaining to any primary, election, or referendum and to hold hearings when necessary to investigate violations. The commissioner may administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, compel their attendance, and require the production for examination of any books and papers that the commission deems relevant to any matter under investigation or in question [210]. In case of a refusal to comply with any subpoena or to testify with respect to any matter upon which that person may be lawfully interrogated, the superior court for Hartford-New Britain may issue an order requiring compliance or application of the commission [211].

The commission may also levy a civil penalty of not more than $1,000 per offense against any violator after a hearing [212]. If a penalty is not paid within 30 days of proper written notice, the commission may apply to the superior court for Hartford-New Britain for enforcement [213].

The commission is also authorized to inspect or audit campaign accounts upon reasonable notice [214]; to attempt to secure voluntary compliance by informal methods of conference, conciliation, and persuasion [215]; to consult with the secretary of state, attorney general, or the chief state's attorney [216]; to refer to the chief state's attorney evidence of certain violations [217], and to refer to the attorney general evidence for injunctive or other ancillary equitable relief [218]; to inspect filed reports and refer evidence of violations to the chief state's attorney [219]; and to adopt regulations, issue advisory opinions, and recommend revisions of the law to the general assembly [220].

To the extent that the commission is involved in the investigation of alleged or suspected criminal violations of the election law and is engaged in the investigation for the purpose of presenting evidence to the chief state's attorney, the commission is deemed to be a law enforcement agency [221].

REFERENCES

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2. CGSA § 9-335(14)(A)(ii)
3. CGSA § 9-335(14)(A)(iii)
4. CGSA § 9-335(14)(A)(iv)
5. CGSA § 9-335(14)(A)(v)
6. CGSA § 9-335(14)(B)(i)
7. CGSA § 9-335(14)(B)(ii)
8. CGSA § 9-335(14)(B)(iii)
9. CGSA § 9-335(14)(B)(iv)
10. CGSA § 9-335(14)(B)(v)
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13. CGSA § 9-335(14)(B)(viii)
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20. CGSA § 9-336b(b)
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24. CGSA § 9-336d(a)(1)
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27. CGSA § 9-336d(a)(4)
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33. CGSA § 9-336e(a)(1)
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36. CGSA § 9-336e(a); *see* §§ 9-336d(c); 9-348b(f)
37. CGSA § 9-336e(b)
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39. CGSA § 9-336f(b)
40. CGSA § 9-336g(d)(1)
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54. CGSA § 9-336g(b); *see* § 9-348h(b)
55. CGSA § 9-336h(a)(1)(A)
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58. CGSA § 9-336h(a)(3)(C)
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60. CGSA § 9-336h(a)(5)(E)
61. CGSA § 9-336h(c)
62. CGSA § 9-336h(b)
63. CGSA § 9-336i(a); *see* §§ 9-336e; 9-336g; 9-336j; 9-348b(f)

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65. CGSA § 9-336i(b)(2)
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85. CGSA § 9-348(a)(1)
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87. CGSA §§ 9-335(12); 9-348c(b)
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92. CGSA § 9-348k(4)
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107. CGSA § 9-336b(a)
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134. CGSA § 9-348g(d)(1)
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CAMPAIGN FINANCE LAW
IN DELAWARE

I. INTRODUCTION

Delaware requires candidates and committees to file information on all contributions and expenditures once before each election, once after the general election, and annually until contributions and expenditures are balanced and the fund is closed. Contributions are limited to $1,000 per statewide candidate per election and $500 per non-statewide candidate per election by any individual or entity other than a candidate and the candidate's family, who may contribute not more than $5,000 to that candidate per election. Cash contributions are limited to $50, and anonymous contributions are prohibited. Delaware offers no tax incentives for political contributions nor a mechanism for public financing of election campaigns. The state election commissioner is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is any advance, deposit, gift, transfer of funds, any contract or obligation, or anything of value to any candidate or political committee involved in an election [1]. A contribution does not include services provided without compensation by an individual volunteering a portion or all of his time on behalf of a candidate or political committee [2].

B. Limitations on Amounts of Contributions. It is unlawful for any person other than a candidate or a member of the candidate's immediate family to make, and no candidate or any person acting in his behalf or political committee member or committee treasurer may accept, any contribution that in the aggregate from any one person exceeds $1,000 with respect to a single statewide election or $500 to any other single election [3]. This aggregate limitation extends to contributions to political committees supporting the candidate [4]. The total amount that may be contributed to the campaign of any candidate and all political committees supporting the candidate by the candidate and his immediate family may not exceed $5,000 for any single election [5].

It is unlawful for any person other than a political committee or candidate to make any contribution, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 in connection with any primary, general, or special election campaign without having the written approval of the candidate [6].

C. Limitations on Nature of Contributions. No person may make any contribution in excess of $50 in currency to a candidate or a political committee [7], nor may any person make a contribution anonymously, in a fictitious name, or on behalf of or in the name of another person, and no candidate or person acting on his behalf or a member of a political committee or committee treasurer may knowingly accept such a contribution [8].

A contribution may not be accepted by or on behalf of a political committee that has not filed a list of its members and designated a committee treasurer with the state election commissioner [9].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is any payment made or debt and/or obligation incurred by a candidate or political committee involved in an election [10].

B. Limitations on Nature of Expenditures. No expenditure may be made by or on behalf of a political committee until the committee has filed a list of its members and designates a treasurer with the state election commissioner [11].

Expenditures may be made only for lawful purposes [12]. A lawful expenditure may be made by a candidate or political committee for salaries of campaign managers, the campaign treasurer, and other staff [13]; travel expenses of the candidate and staff [14]; payment of fees or charges for placing the candidate on the ballot and for holding and making returns of the election [15]; hiring of clerks, stenographers, and office help, and the cost of clerical and stenographic work and other necessary personnel costs [16]; costs of telephone and telegraph services [17]; costs of postage, freight, and express charges [18]; printing and stationery [19]; food, refreshments, and related supplies [20]; obtaining and preparing lists of voters [21]; making canvasses of voters [22]; employee election watchers [23]; office rent and equipment [24]; media advertising and publicity [25]; holding and advertising political meetings, demonstrations, and conventions, and paying speakers, musicians, and other participants [26]; and employing counsel who are licensed to practice law in Delaware [27].

C. Limitations on Amounts of Expenditures. Delaware places limitations on total expenditures by candidates and their political committees [28]. In any primary election, the total expenditures by a candidate and any political committee acting on behalf of his candidacy may not exceed 25¢ times the total number of voters registered in the state at the most recent presidential election for a statewide office candidate [29]; 25¢ times the total number of persons registered to vote in the senatorial district at the most recent general election or $4,000, whichever is greater, for a candidate for the state senate [30]; 25¢ times the total number of persons registered to vote in the representative district at the most recent general election or $2,000, whichever is greater, for a candidate for the state house of representatives [31]; or 25¢ times the total number of persons registered to vote in the appropriate county or municipal district at the most recent election for the office, for a county or municipal office candidate [32].

In any general or special election, the total expenditures of any candidate may not exceed 50¢ times the total number of persons registered in the state to vote at the most recent presidential election for a statewide office candidate [33]; 50¢ times the total number of persons registered to vote in the senatorial district at the most recent general election or $8,000, whichever is greater, for a candidate for the state senate [34]; 50¢ times the total number of persons registered to vote in the representative district at the most recent general election or $4,000, whichever is greater, for a candidate for the state house of representatives [35]; or 50¢ times the total number of persons registered to vote in the appropriate county or municipal district at the most recent election for the office, for a county or municipal office candidate [36].

Where an expenditure by a political committee benefits more than one candidate, the expenditure is to be prorated among the candidates benefited for purposes of the expenditure limit [37]. Any expenditure in an aggregate amount in excess of $100 by any person other than a political committee or candidate that is approved by the candidate must be included in the candidate's expenditure limit [38].

It is unlawful for any political committee to make any expenditure on behalf of a candidate or in support of his candidacy without having the candidate's written approval [39] and for any person other than a political committee or candidate to make any expenditure, other than by contribution to a political committee or candidate in an aggregate amount in excess of $100 in connection with any primary, general, or special election campaign, without having the candidate's written approval [40].

IV. REPORTING REQUIREMENTS

A. Registration. Each political committee must file a list of members and designate one person as committee treasurer in writing with the state election commissioner [41].

B. Reporting by Candidates and Committees. Each candidate and each committee treasurer must file with the state election commissioner reports of contributions and expenditures [42] 20 days prior to the date of an election, by December 31st of the year following the election, and by December 31st following the election, and each year thereafter by December 31st until the contributions and expenditures are balanced and the fund closed [43].

Each required report is to disclose the cash on hand at the beginning of the reporting period [44], the full name and mailing address of each person who has made one or more contributions to or for the candidate or political committee, including the purchase of tickets for fundraising events, in connection with the campaign in an aggregate amount in excess of $100, together with the amount and date of the contributions [45]; the total sum of all other individual contributions [46]; the name and address of each candidate or political committee from which the reporting candidate received or to which that candidate or committee made any transfer of funds, together with the amounts and dates of all transfers [47]; each loan to or from any person during the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of the loans [48]; the total proceeds from the sale of tickets to fundraising events [49], mass collections made at such events [50], and sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar material [51]; each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed [52]; the total sum of all receipts by or for the political committee or candidate during the reporting period [53]; the full name and mailing address of each person to whom expenditures have been made by the committee or on behalf of the candidate or political committee in connection with the campaign in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure, and the name and address of and office sought by each candidate on whose behalf the expenditure was made [54]; the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made and not otherwise reported, including the amount, date, and purpose of the expenditure [55]; the total sum of expenditures made by the candidate or political committee in connection with the campaign [56]; and the amount and nature of debts and obligations owed by or to the political committee [57].

Reports are to be cumulative for the campaign to which they relate, but where there has been no change in an item previously reported, only the amount need be carried forward [58]. Each statement must be accompanied by an affidavit verified by the candidate or committee treasurer stating, "I solemnly swear that the foregoing statement is in all things true and correct and discloses all contributions received and expenditures required by me under the Campaign Financing and Disclosure Act of 1974" [59].

A candidate must immediately report to the state election commissioner any attempt to make a contribution or demand an expenditure prohibited by the Campaign Financing and Disclosure Act [60].

V. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. Reports of contributions and expenditures must be filed by December 31st each year until contributions and expenditures are balanced and the fund is closed [61].

B. Disposition of Surplus Funds. Any surplus in the campaign fund of any candidate or political committee may be contributed to a tax-exempt charitable or political organization, if the donation is authorized by the candidate and noted in the required report [62].

C. Recordkeeping. The candidate and political committee treasurer are each required to keep all records of contributions and expenditures for one full year following the election for which the contributions and expenditures were made [63].

VI. OFFENSES AND PENALTIES

No certificate of election is to be granted to any candidate until the superior court has certified that a candidate or treasurer of the candidate has filed all of the required pre-election reports [64].

Any candidate, committee treasurer, or other person who makes or accepts an unlawful contribution or who makes an unlawful expenditure is guilty of a class B misdemeanor [65], but any candidate whose campaign expenditures exceed the expenditure limitations will be fined an amount not less than twice the amount by which the expenditure limit was exceeded nor more than ten times the amount by which the amount was exceeded [66].

Any candidate or committee treasurer who knowingly files a required report that is false in any material aspect or fails to file any such report is guilty of a class B misdemeanor [67].

VII. REGULATORY AGENCIES

A. State Election Commissioner. The state election commissioner is the filing officer for all required reports [68]. The state election commissioner must mail by certified mail to every filed candidate and political committee a copy of the Campaign Financing and Disclosure Act and a concise explanation of its terms, responsibilities, and penalties not later than 15 days after the candidate or political committee files [69]. The commissioner must also send similar documents to the chairmen of all legally recognized political party subdivisions down to the representative district level [70].

All reports must be public and, upon filing, be made immediately available during the customary office hours of the office of the commissioner for inspection and copying by the public [71]. The candidate or treasurer of the candidate must, upon filing the report, be given an official receipt indicating the date and time of filing [72].

B. Superior Court. The superior court has jurisdiction over all offenses under the Campaign Financing Disclosure Act [73] and for the purpose of any civil remedy [74].

C. Supreme Court and House of Representatives. Whenever a complaint is brought against a candidate for attorney general, the complaint is to be directed to the supreme court for action under the rules of the court on the judiciary [75]. A complaint may be initiated by any party in possession of information supporting or tending to support the complaint [76]. All hearings of such a complaint before the court on the judiciary must be private [77]. Upon the vote of a majority of members of the court on the judiciary, its findings and recommendations must be directed to the appropriate enforcement authority and to the house of representatives, in the case of a successful candidate for attorney general, for such action as the house may determine [78].

Whenever such an action is initiated for or against the attorney general, the supreme court, by majority vote, must appoint a special prosecutor, who is to be a registered voter and licensed to practice before the courts of Delaware, to be responsible for the State's portion of the court action for or against the attorney general [79].

REFERENCES

1. Delaware Code Annotated
(hereafter DCA)
tit. 15, § 8001(2)
2. DCA tit. 15, § 8001(2)
3. DCA tit. 15, § 8004(a)
4. DCA tit. 15, § 8004(a)
5. DCA tit. 15, § 8004(b)
6. DCA tit. 15, § 8004(g)
7. DCA tit. 15, § 8004(c)
8. DCA tit. 15, § 8004(d)
9. DCA tit. 15, § 8003(a)
10. DCA tit. 15, § 8001(4)
11. DCA tit. 15, § 8003(a)
12. DCA tit. 15, §§ 8004(e), 8005(a)
13. DCA tit. 15, § 8005(a)
14. DCA tit. 15, § 8005(a)(2)
15. DCA tit. 15, § 8005(a)(3)
16. DCA tit. 15, § 8005(a)(4)
17. DCA tit. 15, § 8005(a)(5)
18. DCA tit. 15, § 8005(a)(6)
19. DCA tit. 15, § 8005(a)(7)
20. DCA tit. 15, § 8005(a)(8)
21. DCA tit. 15, § 8005(a)(9)
22. DCA tit. 15, § 8005(a)(10)
23. DCA tit. 15, § 8005(a)(11)
24. DCA tit. 15, § 8005(a)(12)
25. DCA tit. 15, § 8005(a)(13)
26. DCA tit. 15, § 8005(a)(14)
27. DCA tit. 15, § 8005(a)(15)
28. DCA tit. 15, § 8006
29. DCA tit. 15, § 8006(a)(1)
30. DCA tit. 15, § 8006(a)(2)
31. DCA tit. 15, § 8006(a)(3)
32. DCA tit. 15, § 8006(a)(4)
33. DCA tit. 15, § 8006(b)(1)
34. DCA tit. 15, § 8006(b)(2)
35. DCA tit. 15, § 8006(b)(3)
36. DCA tit. 15, § 8006(b)(4)
37. DCA tit. 15, § 8004(f)
38. DCA tit. 15, § 8004(g)
39. DCA tit. 15, § 8004(f)
40. DCA tit. 15, § 8004(g)
41. DCA tit. 15, § 8004(a)
42. DCA tit. 15, § 8007(a)
43. DCA tit. 15, § 8007(b)
44. DCA tit. 15, § 8007(c)(1)
45. DCA tit. 15, § 8007(c)(2)
46. DCA tit. 15, § 8007(c)(3)
47. DCA tit. 15, § 8007(c)(4)
48. DCA tit. 15, § 8007(c)(5)
49. DCA tit. 15, § 8007(c)(6)(i)
50. DCA tit. 15, § 8007(c)(6)(ii)
51. DCA tit. 15, § 8007(c)(6)(iii)
52. DCA tit. 15, § 8007(c)(7)
53. DCA tit. 15, § 8007(c)(8)
54. DCA tit. 15, § 8007(c)(9)
55. DCA tit. 15, § 8007(c)(10)
56. DCA tit. 15, § 8007(c)(11)
57. DCA tit. 15, § 8007(c)(12)
58. DCA tit. 15, § 8007(d)
59. DCA tit. 15, § 8007(e)
60. DCA tit. 15, § 8002(d)
61. DCA tit. 15, § 8007(b)
62. DCA tit. 15, § 8007(b)
63. DCA tit. 15, §§ 8002(a), 8003(b)
64. DCA tit. 15, § 8009
65. DCA tit. 15, § 8011(a)
66. DCA tit. 15, § 8011(b)
67. DCA tit. 15, § 8011(d)
68. DCA tit. 15, § 8007(a)
69. DCA tit. 15, § 8007(f)
70. DCA tit. 15, § 8007(f)
71. DCA tit. 15, § 8008
72. DCA tit. 15, § 8008
73. DCA tit. 15, § 8011(d)
74. DCA tit. 15, § 8010
75. DCA tit. 15, § 8012(a)
76. DCA tit. 15, § 8012(b)
77. DCA tit. 15, § 8012(b)
78. DCA tit. 15, § 8012(b)
79. DCA tit. 15, § 8012(c)

CAMPAIGN FINANCE LAW
IN THE DISTRICT OF COLUMBIA

I. INTRODUCTION

The District of Columbia requires candidates spending more than $250 in any one election, political committees, and persons making independent expenditures of $50 or more to file information on all contributions and expenditures twice annually in non-election years, six times prior to the general election, and once following the general election. Late contributions of $200 or more must be reported within 24 hours. Contributions by any individual or entity are limited to an aggregate of $4,000 per election, and certain specified amounts per office. While District employees may make political contributions, they are not permitted to solicit or collect them. Cash contributions are limited to under $50. The District of Columbia permits a tax credit for 50% of political contributions up to $50 ($100 on a joint return), but has no mechanism for public financing of election campaigns. The director of campaign finance and the District's Board of Elections and Ethics are responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution includes a gift or subscription, including any assessment, fee, or membership dues; a loan, other than one made in the regular course of business by a business engaged in the business of making loans; or an advance, deposit of money, or anything of value made for the purpose of financing, directly or indirectly, the election campaign of a candidate, any operations of a political committee involved in such a campaign, or to obtain signatures on any initiative, referendum, or recall measure [1]; a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose [2]; a transfer of funds between political committees [3]; or the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge, or for less than reasonable value, for any such purpose, or the furnishing of goods, advertising, or services to a candidate's campaign without charge or at a rate which is less than the rate normally charged for such services [4].

A contribution does not include services provided without compensation by individuals, including accountants and attorneys, volunteering a portion or all of their time to a candidate or political committee [5]; personal services provided without compensation by individuals volunteering a portion or all of their time to a candidate or political committee [6]; communications by an organization, other than a political party, solely to its members and their families on any subject [7]; communications, including advertisements, to any person on any subject by any organization that is organized solely as an issue-oriented organization, whose communications neither endorse nor oppose any candidate for office [8]; normal billing credit for a period not exceeding 30 days [9]; services of an informational or polling nature, and related thereto, designed to seek the opinions of voters concerning the possible candidacy of qualified electors for public office, prior to the individual becoming a candidate [10]; the use of real or personal property, and the costs of invitations, food, and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for related activities [11]; or the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor, and the costs for any food and beverages do not exceed $500 each, with respect to any candidate's election [12].

B. Acceptance and Making of Contributions by a Political Committee. No contribution may be accepted or made by, or on behalf of, a political committee at a time when there is a vacancy in the office of treasurer, and no other person has been designated and has agreed to perform the functions of treasurer [13]. All committees must file a registration statement or statement of organization designating a treasurer [14]. A contribution received by a committee or candidate must be deposited into an account designated on the registration statement or statement of organization [15].

C. Reporting of Contributions to a Political Committee Treasurer. Every person who receives a contribution of $50 or more for, or on behalf of, a political committee must, on demand of the treasurer, and in any event within five days after receipt of such contribution, submit to the treasurer of the committee a detailed account, including the amount, the name and address of the person making the contribution, including the person's occupation and principal place of business, if any, and the date on which the contribution was received [16].

D. Segregation of Political Committee Funds. All funds of a political committee are required to be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee [17].

E. Contributions in Cash. No contribution in legal tender in an amount of $50 or more shall be made or received by any person [18].

F. Contribution in the Name of the Contributor. No person may make or knowingly accept a contribution made in the name of another person [19].

G. Contributions Through an Intermediary. All contributions made by any person, directly or indirectly, to or for the benefit of a particular candidate; or to or for any particular political committee formed to advocate the ratification or defeat of any initiative, referendum, or recall measure, including contributions that are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate or political committee, must be treated as contributions from that person to that candidate or political committee [20].

H. Loan From Candidate or Candidate's Family. No candidate or the candidate's spouse, and any parent, brother, sister, or child of the candidate, and the spouse of any such parent, brother, sister, or child, may make a loan or advance from his personal funds for use in connection with a campaign of that candidate for nomination for election, or for election to public office, unless that loan or advance is evidenced by a written instrument fully disclosing the terms, conditions, and parts to the loan or advance [21]. The amount of any such loan or advance must be included in computing and applying the contribution limitations only to the extent of the balance of the loan or advance that is unpaid at the time of determination [22].

I. Limitations on the Amount of Contributions. No person may make or receive any contribution from any person that, when aggregated with all other contributions received from that person relating to a campaign for nomination as a candidate or election to public office, including both the primary and general or special elections, exceeds $2,000 in the case of a contribution in support of a candidate for mayor or for the recall of a mayor [23]; $1,500 in support of a candidate for chairman of the council or for the recall of the chairman of the council [24]; $1,000 in support of a candidate for member of the council elected at-large or for the recall of an at-large council member [25]; $400 in support of a candidate for board of education membership elected at-large, for council membership elected from a ward, or for the recall of an at-large member of the board of education or for a council member elected from a ward [26]; $200 in support of a candidate for board of education membership elected from a ward, or for the recall of a member of the board of education elected from a ward or for an official of a political party [27]; $1,000 in the case of a contribution for the purpose of obtaining signatures on an initiative or referendum petition or for the purpose of promoting or opposing the ratification of an initiative or referendum measure [28]; and $25 in the case of a contribution in support of a candidate for a member of an advisory neighborhood commission [29].

No person may make any contribution in any one election for the mayor, the chairman of the council, each member of the council, and each member of the board of education, including primary, general, and special elections as appropriate, that, when aggregated with all other contributions made by that individual in that election, exceeds $4,000 [30]. This limitation does not affect contributions made to support or oppose initiative, referendum, or recall measures [31].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure includes a purchase, payment, distribution, loan, advance, deposit, gift of money, or anything of value made for the purpose of financing, directly or indirectly, the election campaign of a candidate or any operations of a political committee involved in such a campaign, to obtain signatures on any initiative, referendum, or recall petition, or to bring about the ratification or defeat of any initiative, referendum, or recall measure [32]; a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure [33]; and a transfer of funds between political committees [34].

An expenditure does not include incidental expenses incurred by, or on behalf of, individuals in the course of volunteering their time on behalf of a candidate or political committee, or the use of real or personal property and the cost of any food or beverage voluntarily provided by an individual to a

candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities if the cumulative value of such activities by the individual on behalf of any candidate does not exceed $500 with respect to any election [35].

B. Limitations of Expenditures by a Candidate or Political Committee. No expenditure may be made by, or on behalf of, a political committee at a time when there is a vacancy in the office of treasurer, and no other person has been designated and has agreed to perform the functions of treasurer [36]. All committees must file a registration statement or statement of organization designating a treasurer [37]. No expenditure may be made for, or on behalf of, a political committee without the authorization of its chairman or treasurer their designated agents [38]. No expenditure may be made by a committee or candidate, other than petty cash expenditures, except by check drawn payable to the person to whom the expenditure is being made, and on an account designated in the required registration statement [39].

A political committee or candidate may maintain a petty cash fund out of which may be made expenditures of $50 or less to any person in connection with a single purchase or transaction [40]. A record of petty cash receipts and disbursements must be maintained [41]. Payments may be made into the petty cash fund only by check drawn on the checking account or accounts maintained at a campaign depository of such political committee or candidate [42].

IV. REPORTING REQUIREMENTS

A. Political Committee Statement of Organization. Each political committee is required to file a statement of organization with the director of campaign finance of the District of Columbia Board of Elections and Ethics within 10 days after its organization [43]. The statement of organization must include the name and address of the political committee [44]; the names, addresses, and relationships of affiliated or connected organizations [45]; the area, scope, or jurisdiction of the political committee [46]; the name, address, and position of the custodian of the books and accounts [47]; the name, address, and position of other principal officers, including officers and members of the finance committee, if any [48]; the name, address, office sought, and party affiliation of each candidate whom the committee is supporting [49]; and any other individual, if any, whom the committee is supporting for nomination for election, or election to any public office, or if the committee is supporting the entire ticket of any party, the name of the party, or if the committee is supporting or opposing any initiative or referendum, the summary statement and short title of the initiative or referendum, or, if the committee is supporting or opposing any recall measure, the name and office of the public official whose recall is sought or opposed [50]. The statement of organization must also contain a statement whether the political committee is a continuing one [51]; the disposition of residual funds that will be made in the event of dissolution [52]; and the name and address of the bank or banks designated by the committee as the campaign depository or depositories, together with the title and number of each account and safety deposit box used by the committee at the depository or depositories, and the identification of each individual authorized to make withdrawals or payments out of each such account or box [53]. Any change in information previously submitted in a statement of organization must be reported to the director within the 10 day period following the change [54].

B. Candidate Registration Statement. Each individual must, within five days of becoming a candidate, or within five days of the day on which he or any person authorized by him to do so, has received a contribution or made an expenditure in connection with his campaign or for the purposes of preparing to undertake his campaign, file a registration statement with the director [55]. In addition, candidates must provide the director the name and address of the campaign depository or depositories designated by that candidate, together with the title and number of each account and safety deposit box used by that candidate at the depository or depositories, and the identification of each individual authorized to make withdrawals or payments out of such account or box [56].

C. Reports of Receipts and Expenditures. Reports of receipts and expenditures are required of all political committees and candidates, except for a candidate who anticipates spending less than $250 in any one election and who has not designated in principal campaign committee [57]. On the 15th day prior to the date of the election in which such candidate is entered, and on the 30th day after the date of such election, such candidate must certify to the director that he has not spent more than $250 in the election [58].

For all other political committees and candidates, the treasurer of each political committee supporting a candidate, the treasurer of each political committee engaged in obtaining signatures on any initiative, referendum, or recall petition, or engaged in promoting or opposing the notification of any initiative, referendum, or recall measure placed before the electors of the District of Columbia, and each candidate required to register, must file with the director, and with the applicable campaign committee, reports of receipts and expenditures [59]. Reports are to be filed on the 10th day of March, June, August, October, and December in each year during which there is an election for the office the candidate is seeking, on the 8th day next preceding the date on which the election is held, and by January 31st of each year [60]. In addition, such reports must be filed on July 31st of each year in which there is no such election [61]. If the final date for any report falls on a Saturday, Sunday, or legal holiday, the report is timely if filed on the next business day [62]. Each report must be complete as of not more than five days before the date of filing, except that any contribution of $200 or more received after the prescribed closing date for the last report required to be filed prior to the election must be reported within 24 hours after its receipt [63]. In the case of reports filed by a committee or committees on behalf of initiative, referendum, or recall measures, such reports are to be filed on such dates as the board of elections and ethics may prescribe, but in no event may more than four separate reports be required during the consideration of a particular initiative, referendum, or recall measure by any political committee or committees collecting signatures, or supporting or opposing such measures [64].

Each report must disclose the amount of cash on hand at the beginning of the reporting period [65]; the full name, mailing address, occupation, and principal place of business, if any, of each person who has made one or more contributions to or for such committee or candidate, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year, in an aggregate amount or value in excess of $50 or more, together with the amount and date of such contributions [66]; the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under the provisions for reporting contributions aggregating $50 or more [67]; the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers [68]; each loan to or from any person, within the calendar year, in an aggregate amount or value of $50 or more, together with the full names, mailing addresses, occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans [69]; the net amount of proceeds from the sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by the committee [70]; mass collections made at such events [71]; sales by the committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials [72]; each contribution, rebate, refund, or other receipt of $50 or more not otherwise listed [73]; and the total sum of all receipts by or for the committee or candidate during the reporting period [74].

The report must also disclose the full name, mailing address, occupation and principal place of business, if any, of each person to whom expenditures have been made by, or on behalf of, the committee or candidate, within the calendar year, in an aggregate amount or value of $10 or more, the amount, date, and purpose of each such expenditure, and the name and address of, and office sought by each candidate on whose behalf such expenditure was made [75]; the total sum of expenditures made by the committee or candidate during the calendar year [76]; and the amount and nature of debts and obligations owed by or to the committee, and a continuous reporting of its debts and obligations after the election until the debts and obligations are extinguished [77].

In determining aggregate amounts of contributions and expenditures, amounts are not to be considered for reporting purposes until actual payment is made [78].

The reports are to be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during the year, only the unchanged amount need be carried forward [79]. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate must file a statement to that effect [80].

D. Verification of Reports. A report or statement required to be filed by a treasurer of a political committee, a candidate, or by any other person, is required to be verified by the oath or affirmation of the person filing the report or statement [81], and a copy of the report or statement must be preserved by the person filing it [82].

E. Statement of Contributions and Expenditures by Other Than a Candidate or Political Committee. Every person, other than a political committee or candidate, who makes contributions or expenditures, other than by contribution to a political committee or candidate in an aggregate amount of $50 or more within a calendar year, must file with the director a statement containing information required of candidates and political committees [83]. Such statements must be filed on the dates on which reports by political committees are filed, but need not be cumulative [84].

V. TAX PROVISIONS

An individual taxpayer who is a resident of the District of Columbia may claim an income tax credit equal to one-half of campaign contributions made during the taxable year to qualified District candidates, but the credit may not exceed $50 for an individual, or $100 for married persons filing a joint return [85].

VI. POST-ELECTION REQUIREMENTS

A. Termination of a Political Committee. Any political committee which disbands, or determines it will no longer receive contributions or make expenditures during the calendar year after having filed one or more statements of organization, must notify the director [86].

B. Disposition of Surplus Funds. Any surplus, residual, or unexpended campaign funds received by, or on behalf of, an individual who seeks nomination for election, or election to office, are required to be contributed to a political party for political purposes, used to retire the proper debts of his political committee which received the funds, or returned to the donors within six months following the election in the case of an individual defeated in an election [87], an individual elected to office [88], or within six months after an individual, ceasing to be a candidate, terminates his candidacy [89].

An individual defeated or elected to office as a member of the board of education, or a political committee formed to collect signatures or advocate the ratification or defeat of any initiative, referendum, or recall measure, are authorized to transfer any surplus, residue, or unexpended campaign funds to any charitable, scientific, literacy, or educational organization or organizations which meet the requirements set forth under law, and an individual elected to a District office and authorized to establish a program of constituent services is authorized to transfer any surplus, residue, or unexpended campaign funds to his program of constituent services [90].

VII. OFFENSES AND PENALTIES

A. Civil Penalties. Any person who violates any provision of the campaign finance and disclosure laws may be assessed a civil penalty by the District of Columbia Board of Elections and Ethics of not more than $50 for each such violation [91]. Each occurrence of a violation, each day of noncompliance with a disclosure requirement, or an order of the board constitutes a separate offense [92]. The board may issue a schedule of fines to be imposed ministerially by the director of campaign finance, the aggregate set of which may not exceed $500 [93].

A civil penalty must be assessed by the board only after the person charged with a violation has been given an opportunity for a hearing, and the board has determined, by decision incorporating its findings of facts, that a violation did occur, and the amount of the penalty [94]. Any such hearing must be on the record and held in accordance with the District of Columbia Administrative Procedure Act [95].

If the person against whom a civil penalty is assessed fails to pay the penalty, the board must file a petition for enforcement of its order assessing the penalty in the superior court of the District of Columbia [96]. The petition must designate the person against whom the order is sought to be enforced as the respondent [97]. A copy of the petition must be forthwith sent by registered or certified mail to the respondent and his attorney of record, and if the respondent is a political committee, to the chairman thereof, and thereupon the board shall certify and file in the court the record upon which such order sought to be enforced was issued [98]. The court has jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, the order and the decision of the board, or it may remand the proceedings to the board for such further action as it may direct [99]. The court may determine *de novo* all issues of law, but the board's findings of fact, if supported by substantial evidence, are conclusive [100].

B. False or Misleading Reports. Any person who knowingly files any false or misleading statement, report, voucher, or other paper, or who makes any false or misleading statement to the board of elections and ethics must be fined not more than $10,000, or must be imprisoned for not longer than five years, or both [101]. Any person or political committee who violates any other provisions of the campaign disclosure laws must be fined not more than $5,000, or must be imprisoned for not longer than six months, or both [102].

C. Statute of Limitations. All actions of the board or of the United States Attorney for the District of Columbia to enforce the provisions of the campaign disclosure laws must be initiated within three years of the actual occurrence of the alleged violation [103].

D. Liability of a Candidate. No provisions of the law are to be construed as creating liability on the part of any candidate for any financial obligation incurred by a political committee [104]. Actions of an agent acting for a candidate are imputed to the candidate, provided, however, that the actions of the agent may not be imputed to the candidate in the presence of a provision of law requiring a willful and knowing violation, unless the agency relationship to engage in such an act is shown by clear and convincing evidence [105]. This section means that liability does not arise from the fact of candidacy alone, but it does not by its terms deal with any possible liability of the candidate if he has authorized or ratified a debt [106].

VIII. REGULATORY AGENCIES

A. Board of Elections and Ethics. The director of campaign finance of the District of Columbia Board of Elections and Ethics is primarily responsible for campaign finance and disclosure regulation. The board is comprised of three members, no more than two of whom will be members of the same political party, appointed by the mayor, with the advice and consent of the council [107]. The mayor designates the chairman of the board [108]. The director of campaign finance is appointed by the Mayor with the advice and consent of the council, for a four-year term, to be responsible for the administrative operations of the board pertaining to campaign finance and disclosure, and other duties, other than the delegation of making of regulations regarding elections, as may be delegated or assigned from time to time by the board [109].

The board may issue, amend, and rescind rules and regulations related to the operation of the director, absent recommendation of the director [110]. The board must prepare an annual report of the director's performance pursuant to his prescribed functions, in addition to those duties the board may by law assign [111].

The director must develop and furnish, upon request, prescribed forms for the making of required reports and statements [112]; develop a filing, coding, and cross-indexing system consonant with the purposes of the law [113]; make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable, but not later than the end of the second day following the day during which it was received, and to permit and facilitate copying of any such report or statement by hand and duplicating machine, as requested by any person, at reasonable cost [114]; preserve such reports and statements for a period of 10 years from the date of receipt [115]; compile and maintain a current list of all statements or parts of statements on file pertaining to each candidate [116]; prepare and publish such other reports as he may deem appropriate [117]; assure dissemination of statistics, summaries, and reports prepared under the campaign finance and disclosure laws [118]; and make audits and field investigations with respect to reports and statements filed, or required reports or statements not filed [119].

The director, under regulations of general applicability approved by the board, has the power to require any person to submit, in writing, such reports and answers to questions the director may prescribe, relating to the administration and enforcement of the campaign finance and disclosure laws, and such submission must be made within such reasonable period and under oath or otherwise as the director may determine [120]; to administer oaths [121]; to require by subpoena the attendance and testimony of witnesses, and the production of all documentary evidence relating to the execution of its duties [122]; in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the director and has the power to administer oaths, and, in such instances, to compel production of evidence under subpoena [123]; to pay witness fees and mileage [124]; to accept gifts [125]; and to institute or conduct, on his own motion, an informal hearing on alleged violations of the reporting requirements [126]. Where the director, in his own discretion, determines that a violation has occurred, the director may issue an order to the offending party or parties to cease and desist such violations within the five-day period immediately following the issuance of the order [127]. Should the offending party or parties fail to comply with the order, the director must present evidence of such failure to the board, in an adversary proceeding and an open hearing, after which the board may refer the matter to the United States Attorney for the District of Columbia, or may dismiss the action [128]. Subpoenas issued under this section shall be issued by the director upon the approval of the board [129].

The superior court of the District of Columbia may, upon petition by the board, in case of refusal to obey a subpoena or order of the board, issue an order requiring compliance, and any failure to obey the order of the court may be punished as a contempt of court [130].

All investigations of alleged violations must be made by the director, in his own discretion, in accordance with procedures of general applicability issued by the director, in accordance with the District of Columbia Administrative Procedure Act [131]. All allegations of violations which are presented to the board, in writing, must be transmitted to the director without action by the board [132]. In a reasonable time, the director must cause evidence concerning the alleged violation to be presented to the board, if he believes that sufficient evidence exists constituting an apparent violation [133]. Following the presentation of such evidence to the board by the director, in an adversary proceeding and an open hearing, the board may refer the matter to the United States Attorney for the District of Columbia, or may dismiss the action [134]. In no case may the board refer information concerning an alleged violation to the United States Attorney without the director's presentation [135]. Should the director fail to present a matter or advise the board that insufficient evidence exists to present such a matter, or that an additional period of time is needed to investigate the matter further, within 90 days of its receipt by the board or the director, the board may order the director to present the matter [136].

Where the board, following the presentation by the director of evidence constituting an apparent violation, makes a finding of an apparent violation, it must refer the case to the United States Attorney for the District of Columbia for prosecution, and must make public the fact of the referral and the basis for the finding [137]. In addition, the board, through its general counsel, must initiate, maintain, defend, or appeal any civil action in the name of the board relating to the enforcement of the campaign finance and disclosure laws [138]. The board may, through its general counsel, petition the courts of the District of Columbia for declaratory or injunctive relief concerning any actions covered by the provisions of the law [139]. The director has no authority concerning the enforcement of the law, and recommendations of criminal or civil, or both, violations under the law must be presented by the general counsel to the board in accordance with the rules and regulations of general application adopted by the board [140].

Upon application of any individual holding public office, any candidate, any person who may be a potential registrant, or any political committee, the board must provide, within a reasonable period of time, an advisory opinion with respect to any specific transaction or activity inquired of, as to whether such transaction or activity would constitute a violation of any provision of the law over which the board has primary jurisdiction [141]. The board must publish a concise statement of each request for an advisory opinion, without identifying the requestor, in the District of Columbia Register within 20 days of its receipt by the board [142]. The board will receive comments upon such requested opinions for at least 15 days following publication in the register [143]. The board may waive the advance notice and public comment provisions following a finding that the issuance of the advisory opinion constitutes an emergency necessary for the immediate preservation of the public peace, health, safety, welfare, or morals [144].

An advisory opinion must be published in the District of Columbia Register within 30 days of its issuance, but the identity of the requestor must not be disclosed in the register without the requestor's prior written consent [145]. When issued according to the rules of the board, an advisory opinion must be deemed to be an order of the board, reviewable in the superior court of the District of Columbia by any interested person adversely affected by the order [146].

B. United States Attorney for the District of Columbia. The United States Attorney for the District of Columbia is responsible for prosecution of criminal violations of the campaign finance and disclosure laws upon referral by the board [147].

C. Comptroller General of the United States. The board and director may, in the performance of their functions, request the assistance of the Comptroller General of the United States, including such investigations and audits as the board and director may determine necessary, and the Comptroller General shall provide such assistance, with or without reimbursement, as the board, director, and Comptroller General may agree [148].

REFERENCES

1. District of Columbia Code Annotated (hereafter DCCA) § 1-1401(6)(A)(i)
2. DCCA § 1-1401(6)(A)(ii)
3. DCCA § 1-1401(6)(A)(iii)
4. DCCA § 1-1401(6)(A)(iv)
5. DCCA § 1-1401(6)(B)(i)
6. DCCA § 1-1401(6)(B)(ii)
7. DCCA § 1-1401(6)(B)(iii)
8. DCCA § 1-1401(6)(B)(iv)
9. DCCA § 1-1401(6)(B)(v)
10. DCCA § 1-1401(6)(B)(vi)
11. DCCA § 1-1401(6)(B)(vii)
12. DCCA §§ 1-1401(6)(B)(viii); 1-1401(6)(B)(vii)
13. DCCA § 1-1411(a)
14. DCCA §§ 1-1414, 1-1412(b); 1-1415(b)
15. DCCA § 1-1413(a)
16. DCCA § 1-1411(b)
17. DCCA § 1-1411(b)
18. DCCA § 1-1441(d)
19. DCCA § 1-1441(e)
20. DCCA § 1-1441(f)
21. DCCA §§ 1-1441(g)(1), (2)
22. DCCA § 1-1441(g)(1)
23. DCCA § 1-1441(a)(1)
24. DCCA § 1-1441(a)(2)
25. DCCA § 1-1441(a)(3)
26. DCCA § 101441(a)(4)
27. DCCA § 1-1441(a)(5)
28. DCCA § 1-1441(a)(6)
29. DCCA § 1-1441(a)(7)
30. DCCA § 1-1441(b)
31. DCCA § 1-1441(b)
32. DCCA § 1-1401(7)(A)
33. DCCA § 1-1401(7)(B)
34. DCCA § 1-1401(7)(C)
35. DCCA § 1-1401(7)(D)
36. DCCA § 1-1411(a)
37. DCCA §§ 1-1414; 1-1412(b); 1-1415(b)
38. DCCA § 1-1411(a)
39. DCCA §§ 1-1413(a); 1-1414(b)(9); 1-1415(b)
40. DCCA § 1-1413(b)
41. DCCA § 1-1413(b)
42. DCCA § 1-1413(b)
43. DCCA § 1-1414(a)
44. DCCA § 1-1414(b)(1)
45. DCCA § 1-1414(b)(2)
46. DCCA § 1-1414(b)(3)
47. DCCA § 1-1414(b)(4)
48. DCCA § 1-1414(b)(5)
49. DCCA § 1-1414(b)(6)(A)
50. DCCA § 1-1414(b)(6)(B)
51. DCCA § 1-1414(b)(7)
52. DCCA § 1-1414(b)(8)
53. DCCA § 1-1414(b)(9)
54. DCCA § 1-1414(c)
55. DCCA § 1-1415(a)
56. DCCA § 1-1414(b)
57. DCCA § 1-1419
58. DCCA § 1-1419
59. DCCA § 1-1416(a)
60. DCCA § 1-1416(a)
61. DCCA § 1-1416(a)
62. DCCA § 1-1322
63. DCCA § 1-1322
64. DCCA § 1-1416(d)
65. DCCA § 1-1416(b)(1)
66. DCCA § 1-1416(b)(2)
67. DCCA § 1-1416(b)(3)
68. DCCA § 1-1416(b)(4)
69. DCCA § 1-1416(b)(5)
70. DCCA § 1-1416(b)(6)(A)
71. DCCA § 1-1416(b)(6)(B)
72. DCCA § 1-1416(b)(6)(C)
73. DCCA § 1-1416(b)(7)
74. DCCA § 1-1416(b)(8)
75. DCCA § 1-1416(b)(9)
76. DCCA § 1-1416(b)(10)
77. DCCA § 1-1416(b)(11)
78. DCCA § 1-1418(c)
79. DCCA § 1-1416(c)
80. DCCA § 1-1416(c)
81. DCCA § 1-1418(a)
82. DCCA § 1-1418(b)
83. DCCA §§ 1-1417; 1-1416
84. DCCA § 1-1417
85. DCCA § 47-1806.5(e)
86. DCCA § 1-1414(d)
87. DCCA § 1-1472(a)(1)
88. DCCA § 1-1472(a)(2)
89. DCCA § 1-1472(a)(3)
90. DCCA §§ 1-1472(b); 47-1803.3(a)(8);1-1443
91. DCCA § 1-1435(b)(1)
92. DCCA § 1-1435(b)(1)
93. DCCA § 1-1435(b)(3)
94. DCCA § 1-1435(b)(2)
95. DCCA §§ 1-1435(b)(2); 1-1501 *et seq.*
96. DCCA § 1-1435(b)(4)
97. DCCA § 1-1435(b)(4)
98. DCCA § 1-1435(b)(4)
99. DCCA § 1-1435(b)(4)
100. DCCA § 1-1435(b)(4)
101. DCCA § 1-1471(b)
102. DCCA § 1-1471(a)
103. DCCA § 1-1471(f)
104. DCCA § 1-1421
105. DCCA § 1-1421
106. *W.H. Brewton & Sons v. Kennedy*, 110 Wash. D.L. Rptr. 1681 (D.C. Super. Ct., June 11, 1982)
107. DCCA § 1-1303(a)
108. DCCA § 1-1303(d)
109. DCCA § 1-1431(a)
110. DCCA § 1-1431(b-1)(1)
111. DCCA § 1-1431(b-1)(2)
112. DCCA § 1-1433(1)
113. DCCA § 1-1433(2)
114. DCCA § 1-1433(3)
115. DCCA § 1-1433(4)
116. DCCA § 1-1433(5)
117. DCCA § 1-1433(6)
118. DCCA § 1-1433(7)
119. DCCA § 1-1433(8)
120. DCCA § 1-1432(a)(1)(A)
121. DCCA § 1-1432(a)(1)(B)
122. DCCA § 1-1432(a)(1)(C)
123. DCCA § 1-1432(a)(1)(D)
124. DCCA § 1-1432(a)(1)(E)
125. DCCA § 1-1432(a)(1)(F)
126. DCCA § 1-1432(a)(1)(G)
127. DCCA § 1-1432(a)(1)(G)
128. DCCA § 1-1432(a)(1)(G); *see* § 1-1431(c)
129. DCCA § 1-1432(a)(2)
130. DCCA § 1-1432(b)
131. DCCA §§ 1-1432(c); 1-1501 *et seq.*
132. DCCA § 1-1432(c)
133. DCCA § 1-1432(c)
134. DCCA § 1-1432(c); *see* § 101431(c)
135. DCCA § 1-1432(c)
136. DCCA § 1-1432(c)
137. DCCA § 1-1431(c)
138. DCCA § 1-1431(c)
139. DCCA § 1-1431(c)
140. DCCA § 1-1431(c)
141. DCCA § 1-1435(c)(1)
142. DCCA § 1-1435(c)(1)
143. DCCA § 1-1435(c)(1)
144. DCCA § 1-1435(c)(1)
145. DCCA § 1-1435(c)(2)

146. DCCA § 1-1435(c)(2)
147. DCCA § 1-1431(c)
148. DCCA § 1-1434

CAMPAIGN FINANCE LAW
IN FLORIDA

I. INTRODUCTION

Florida requires all candidates, political committees, committees of continuous existence, political party executive committees, and persons making independent expenditures of $100 or more to file information on all contributions and expenditures unless no funds have been received, contributions made, or reportable funds expended during the reporting period and the filing officer is so notified. Several pre-election reports are required, as is one final post-election report. A candidate may spend an unlimited amount in support of his election. State employees are generally prohibited from soliciting contributions, and cash contributions are limited to $100. Florida offers no incentives for political contributions, nor a mechanism for public financing of elections. The Florida elections commission is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in-kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election [1]; a transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence [2]; the payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee [3]; or the transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a campaign savings account or certificate, and any interest earned on the account or certificate [4].

A contribution does not include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee [5]. The sale of a candidate's real or personal property is not a contribution from the purchaser if the proceeds are received by the candidate as part of a legitimate arm's length transaction and subsequently transferred from the candidate's personal account to campaign account [6]. The receipt of materials from a public agency which may tend to support or oppose an issue on a countywide ballot does not constitute a contribution [7].

B. Limitations on Nature of Contributions. A contribution may not be accepted until the candidate has appointed a campaign treasurer and designated a campaign depository, and filed this information with the filing officer [8]. No contribution, including a contribution by a candidate or the candidate's family, may be directly or indirectly made or received in furtherance of the candidacy of any person, or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee [9]. A group, organization, association, or other entity involved in making contributions to candidates organized and operated under a written charter or set of by-laws which contain procedures for electing officers and defines membership, and which has at least 25 percent of its income derived from regularly-assessed dues or payments from its members pursuant to the charter or by-laws [10], may form a committee of continuous existence, which may contribute to candidates within the statutory limits [11]. An individual may make a loan to a committee of continuous existence, which may then contribute to a political candidate [12].

Tickets or advertising to a campaign fundraiser must contain the statement that "The purchase of a ticket for, or a contribution to, the campaign fundraiser is a contribution to the campaign of (name of the candidate for whose benefit the campaign fund raiser is held)" [13]. Any person who makes an in-kind contribution shall, at the time of making the contribution, place a value on the contribution, which shall be the fair market value of the contribution [14], the cost to the contributor, if ascertainable, or otherwise, the cost to the ordinary consumer [15].

All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the second business day following the receipt, Sundays and legal holidays excluded, be deposited in a designated campaign depository in an account designated "Campaign Account of (name of candidate or committee)" [16]. All deposits must be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each [17]. However, any contribution of $100 or less need not be deposited in the account until the end of the seventh day following receipt, unless during the seven-day period the aggregate of contributions received totals more than $100 [18]. If a contribution is deposited in a secondary campaign depository, the depositor must forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the first business day following the deposit [19].

Any contribution received by a candidate with opposition in an election, or by the campaign treasurer or a deputy treasurer of such a candidate, or by the treasurer or deputy treasurer of a political committee supporting or opposing a candidate with opposition or supporting or opposing an issue on the ballot in an election, on the day of the election or less than five days prior to the day of that election must be returned by him or her to the contributor and must not be used or expended by or on behalf of the candidate or political committee [20]. Any contribution received after the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office, must be returned to the person or political committee contributing it, and may not be used or expended by or on behalf of the candidate [21].

No person may make any contribution in support of or opposition to a candidate, in support of or opposition to an issue, or to any political committee through or in the name of another, directly or indirectly, in any election [22]. Use of credit cards to make political campaign contributions is not allowed because it constitutes giving in the name of another and unauthorized expenditures [23]. The solicitation from, and contribution by, candidates, political committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited [24]. However, a candidate may continue regular personal contributions to religious, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than six months [25].

A candidate may contribute to a political committee, committee of continuous existence, or another candidate if the candidate does not make the contribution to aid or promote his own nomination or election and provided that the contribution is not made from campaign funds [26].

No person may use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the career service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration [27].

No person may make or accept a cash contribution or contribution by means of a cashier's check in excess of $100 [28]. A candidate for judicial office may not make contributions to political party funds [29]; accept contributions from any political party [30]; solicit contributions from any political party [31]; or make any contribution to any person, group, or organization for its endorsement to judicial office [32]. A judge or a candidate for judicial office should not solicit funds for, pay an assessment, make a contribution to a political organization or candidate or purchase tickets for political party dinners, except a judge holding an office filled by public election between completing candidates, or a candidate for such office, may, only insofar as permitted by law, contribute to a political party or organization [33]. A candidate for judicial office may accept contributions as are authorized by law [34], but no political party or partisan organization may support or assist any candidate in a campaign for election to judicial office [35].

C. Limitations on Amounts of Contributions. A state or county executive committee of a political party is not limited in the amount the committee may contribute to a candidate or a political committee, nor is a candidate limited in the amounts he may contribute to his own campaign [36]. No other person or political committee may make contributions to any candidate or political committee in Florida for any election, in excess of $1,000 for a candidate for countywide office, or to a candidate in any election conducted on less than a countywide basis [37], to a candidate for legislative or multicounty office [38], to a political committee supporting or opposing one or more candidates [39], and to a candidate for county court judge or circuit judge [40]; $2,000 to a candidate for retention as a judge of a district court of appeal [41]; and $3,000 for a candidate for statewide office [42], or a candidate for retention as a justice of the supreme court [43]. No person may make a contribution in excess of $1,000 to any other person to be used by the other person to make an independent expenditure [44]. The first primary, second primary, and general elections are separate elections if the candidate is not unopposed [45]. A candidate who has been nominated in a primary election may receive contributions subsequent to nomination whether or not the candidate has opposition [46]. However, for the purpose of contribution limits with respect to candidates for retention as a justice of the supreme court, or judge of a district court of appeal, there is only one election, the general election, and, with respect to candidates for circuit judge or county court judge, there are only two elections, the first primary election and the general election [47]. Campaign contributions in excess of the limitations escheat or revert to the state immediately, under an interpretation of prior law [48].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a campaign savings account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election [49]. A payment to an accountant for services rendered to a candidate in the preparation of the required disclosure statement is an expenditure [50]. An expenditure does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value when made by an organization in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing the organization's newsletter, containing a statement by such an organization in suport of or opposition to a candidate or issue, which is distributed only to members of the organization [51].

An independent expenditure is an expenditure by a person for the purpose of advocating the election or defeat of a candidate, or the approval or rejection of an issue, which is not controlled by, coordinated with, or made upon consultation with, any political committee, or agent of the candidate or committee [52].

B. Limitations on Nature of Expenditures. No person shall make any expenditure with a view to bringing about his nomination, election, or retention in public office, or authorize another to make an expenditure on his behalf, unless the person has appointed a campaign treasurer and designated a primary campaign depository [53]. Except for an independent expenditure, no expenditure, including expenditures of a candidate or the candidate's family, may be directly or indirectly made in furtherance of the candidacy of any person or on behalf of any political committee, except through the duly appointed campaign treasurer of the candidate or political committee [54]. However, an expenditure may be made directly by any political committee or political party for obtaining time, space, or services in or by any communication media for the purpose of jointly endorsing six or more candidates, and any such expenditure is not be considered to be a contribution to or expenditure on behalf of any such candidate [55].

All campaign expenditures made by an issue campaign must be reported either through the sponsor or through any person making independent expenditures [56].

Any political advertisement paid for by an independent expenditure must prominently state "Paid political advertisement paid for by (name or person or committee paying for advertisement) independently of any candidate," and must contain the name and address of the person paying for the political advertisement [57].

The campaign treasurer or deputy campaign treasurer of a candidate or political committee must make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee [58]. The checks for the campaign account must contain, at a minimum, the statement "Campaign Account of (name of candidate or political committee)" [59], the account number and name of the bank [60]; the exact amount of the expenditure [61] the signature of the campaign treasurer or deputy treasure [62]; the exact purpose for which the expenditure is authorized [63]; and the name of the payee [64]. The campaign treasurer or deputy campaign treasurer who signs the check must be responsible for the completeness and accuracy of the information on each check, and for ensuring that the expenditure is an authorized expenditure [65].

No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent of a political committee, or any person acting on behalf of any of these persons, may authorize any expenses, nor may any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the amount of the authorized expense, to honor all other outstanding checks drawn on the account, and to meet all expenses previously authorized, but not yet paid [66]. However, an expense may be incurred for the purchase of goods and services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all outstanding checks drawn on the account, and to meet all other expenses previously authorized but not yet paid, provided that payment for these goods and services is made upon final delivery, and acceptance of the goods and services, and an expenditure from petty cash may be authorized, if there is a sufficient amount in the petty cash fund to pay for the expenditure [67]. An unopposed candidate may not spend funds from his campaign account, nor may another person on his behalf, after the candidate becomes unopposed, except in the first ten days after the candidate becomes unopposed, he may spend funds for thank you advertising, and the expenditure of funds from the campaign account previously obligated or encumbered is also permitted [68].

Every campaign treasurer is authorized to withdraw from the primary campaign account, until the close of the last day for qualifying for office, $500 per calendar quarter reporting period to provide for a petty cash fund [69]. Between the close of the last day for filing and until the last election in a given election period in which the political committee participates, the campaign treasurer of each political committee is authorized to withdraw $100 per week from the primary depository campaign account to provide a petty cash fund for the political committee, and the campaign treasurer of each candidate is authorized to withdraw $500 per week for all candidates for nomination or election on a statewide basis, or $100 per week for all other candidates between the close of the last day for qualifying and the election at which the candidate is eliminated or elected to office, or the time at which the candidate becomes unopposed, for a petty cash fund [70]. The petty cash fund must be spent only in amounts less than $30, and only for office supplies, transportation expenses, and other necessities [71]. Petty cash must not be used for the purchase of time, space, or services from communications media [72].

Any candidate for statewide office, or any political committee created to support or oppose any candidate for statewide office, or to support or oppose any statewide issue may obtain, and use credit cards in making travel-related campaign expenditures [73], transportation, lodging, meals, and other expenses incurred in connection with traveling for campaign purposes [74]. Credit cards may be obtained only from the same bank which has been designated as the candidate's or political committee's primary campaign depository [75], and must be in the name of the candidate or political committee, and reflect that the account is a campaign account [76]. All credit cards issued to candidates or political committees must expire no later than midnight of the last day of the month of the general election [77]. Before a credit card may be used, a copy of the agreement or contract between the candidate or political committee and the bank, and a list of all persons who have been authorized to use the card must be filed with the Secretary of State [78]. Each statement rendered by the issuer of a credit card must be paid upon receipt [79].

Expenditures may not be made from the campaign account or for purposes of speculation or investment, or for any purposes other than to influence the results of an election [80], nor may an expenditure be made from the campaign account to pay a fine for late reporting [81].

Authorization for expenditures to public utilities for telephone, electric, gas, water, and like services must be made when the bill for such services is received if the candidate or political committee receiving the services has deposited an amount with the utility that the utility estimates as being sufficient to meet all charges for a given billing period [82].

If a candidate or spouse of a candidate intends to draw a salary from the campaign account of the candidate, or use funds or deposit in a campaign account to defray normal living expenses for himself or his family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a member of his family during travel in the course of the campaign, the candidate must, at the same time he appoints the treasurer and designates the campaign depository, file with the officer before whom he qualifies a statement that the candidate intends to use the funds for such purposes [83]. Unless the statement of intent is filed at that time, the funds shall not be so used [84].

No person shall pay or give anything of value for the privilege of speaking at a political meeting in the furtherance of his candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege [85].

No candidate, in the furtherance of his candidacy, may use any state-owned aircraft or motor vehicle solely for the purpose of furthering his candidacy [86]. However, in the event any candidate uses any state-owned aircraft or motor vehicle to conduct official state business, and while on the trip performs any function in furtherance of his own candidacy, the candidate must prorate the expenses incurred, for the use of the state aircraft or motor vehicle while conducting business in furtherance of his candidacy [87]. The reimbursement is to be made from the candidate's own campaign account [88].

No candidate may, in the furtherance of his candidacy, use the services of any officer or employee of the state during working hours [89].

Any contribution received by a state or county political committee less than five days before an election may not be used or expended in behalf of any candidate, issue, or political party participating in the election [90].

No committee of continuous existence may expend funds on behalf of a candidate, except by a contribution made through the duly appointed campaign treasurer of a candidate [91]. No such committee may make expenditures in support of, or in opposition to, an issue unless the committee first registers as a political committee [92].

IV. REPORTING REQUIREMENTS

Each political committee that anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $500, or that seeks the signatures of registered electors in support of an initiative, must file a statement of organization within ten days after its organization, or, if later, within ten days after the date on which it has information which causes the committee to anticipate that it will receive contributions or make expenditures in excess of $500 [93]. If a political committee is organized within ten days of any election, it must immediately file the required statement of organization [94]. Committees required by the Federal Election Campaign Act to file statements of organization with federal officials [95] may file duplicate copies of such statements in lieu of the Florida statement of organization [96].

The statement of organization must include the name and address of the committee [97]; the names, addresses, and relationships of affiliated or connected organizations [98]; the area, scope, or jurisdiction of the committee [99]; the name, address, and position of the custodian of books and accounts [100]; the name, address, and position of other principal officers, including officers and members of the finance committee, if any [101]; the name, address, office sought, and party affiliation of each candidate whom the committee is supporting [102], and any other individual, if any, whom the committee is supporting for nomination for election, or elections, to any public office whatever [103]; any issue or issues the organization is supporting or opposing [104]; if the committee is supporting the entire ticket of any party, a statement to that effect, and the name of the party [105]; a statement of whether the committee is a continuing one [106]; plans for the disposition of residual funds which will be made in the event of a dissolution [107]; a listing of all banks, safety deposit boxes, or other depositories used for committee funds [108]; and a statement of the reports required to be filed with federal officials, if any, and the names, addresses, and positions of these officials [109].

A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or issues files the statement of organization with the division of elections [110]. A political committee organized to support or oppose only candidates for municipal office or issues to be voted on in a municipal election files the statement of organization with the officer before whom municipal officers qualify [111]. A political committee which is organized to support or oppose candidates or issues to be voted on in a countywide election, or candidates or issues in any election held on less than a countywide basis files the statement of organization with the supervisor of elections of the county in which the election is being held [112]. Any political committee which would be required to file a statement of organization in two or more locations because of the committee's intention to support or oppose candidates or issues at state or multicounty and local levels of government, need only file with the division of elections [113].

A petition committee that accepts contributions related to a recall election during a calendar year is an aggregate amount of $500 or more before the date the recall election is publicly announced becomes a political committee, and is required to register [114]. Similarly, persons, groups, or organizations accepting contributions on behalf of the person to be recalled must also register as a political committee when the required aggregate amount has been reached [115]. The petition committee and the person to be recalled must comply with the campaign financing provisions following the announcement of the date the recall election will be held [116].

Any change in information previously submitted in a statement of organization must be reported to the agency or officer with whom the committee is required to register within ten days following the change [117].

B. Reporting by Committees of Continuous Existence. Each committee of continuous existence must file an annual report with the division of elections each January [118], containing the name and street address of the principal officer; a copy of the organization's charter or by-laws; a copy of the organization's dues or assessment schedule, or formula by which dues or assessments are levied; and a complete financial statement or annual audit summarizing all income received, and all expenses incurred, by the organization during the twelve preceding months [119]. In addition to the annual report, each committee must file regular reports with the division of elections at the same time that reports are required of candidates [120]. A duplicate copy of each report must be filed with the supervisor of elections in the county in which the committee maintains its books and records [121].

A report of a committee of continuous existence must be on forms provided by the division of elections, and must contain the name, address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of the contributions [122]. However, if the contribution is $100 or less, the contributor's occupation need not be listed [123]. For any contributions which represent dues payments by members in a fixed amount pursuant to the schedule on file with the division of elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues [124]. The name and address of each political committee or committee of continuous existence from which the reporting committee received, or to which it made, any transfers of funds, together with the amounts and dates of all transfers must also be reported [125], as must any other receipt of funds not otherwise listed, including the sources and amounts of all such funds [126]; and the name, address, and office sought by each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution [127]. The treasurer of each committee certifies as to the correctness of each report and bears the responsibility for its accuracy and veracity [128].

C. Reporting by Candidates and Political Committees. Each campaign treasurer must file the regular reports of all contributions received, and all expenditures made by, or on behalf of the candidate or political committee [129]. Reports must be filed on the tenth day following the end of each calendar quarter from the time the campaign treasurer is appointed [130]. The reports must be filed following the last day of qualifying for office [131], and on the fourth, 18th, and 32nd days immediately preceding the first and second primaries, and on the fourth and 18th days immediately preceding the general election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence [132]. All reports required of a candidate must be filed with the officer before whom the candidate is required by law to qualify [133]. Reports must be filed not later than 5:00 p.m. of the day designated, however, any report postmarked no later than midnight of the day designated is deemed to have been filed in a timely manner [134]. Reports must contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election must contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date [135]. Each candidate for other than a statewide office who qualifies with the Secretary of State must file a duplicate copy at the same time with the Supervisor of Elections in the county in which the candidate resides [136]. Reports required of a political committee are filed with the agency or officer before whom the committee registers [137]. The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chairman and campaign treasurer of the committee, in the case of a political committee, bear the responsibility for the accuracy and veracity of each report [138].

An unopposed candidate must file a report within 90 days after the date the candidate became unopposed, containing all previously unreported contributions and expenditures, and reflecting the disposition of surplus funds [139].

Each report must contain the full name, address, and occupation, if any, of each person who has made one or more contributions to or for the committee within the reporting period, together with the amount and date of the contributions, unless the contribution is $100 or less, or is from a relative, provided the relationship is reported, in which case only the name and address are necessary [140]; the name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of the transfers [141]; each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, occupations, and principal places of business, if any, and the date and amount of the loans [142]; the total amount of proceeds from each regulated campaign fund raiser [143]; a statement of each contribution, rebate, refund, or other receipt not otherwise listed [144]; the total sum of all loans, in-kind contributions, and other receipts during the reporting period [145]; the full name and address of each person to whom expenditures have been made by, or on behalf of, the committee or candidate within the reporting period, and the amount, date, and purpose of each expenditure, and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, other than individual disbursements from the petty cash fund [146]; the full name and address of each person to whom an expenditure for personal services, salary, or reimbursed expenses has been made, and which is not otherwise reported, including the date, and purpose of the expenditure, other than individual disbursements from the petty cash fund [147]; the total amount withdrawn and the total amount spent during the reporting period for petty cash purposes [148]; the total sum of expenditures made by the committee or candidate during the reporting period [149]; the amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign [150]; a list of all credit card purchases, and their amount, made by the candidate or political committee during the reporting period, with a copy of each statement included in the next report following its receipt by the candidate or political committee [151]; and the amount and nature of any campaign savings accounts or certificates of deposti, and identification of the financial institution in which the accounts or certificates of deposit are located [152].

All reports are required to be filed no later than 5:00 p.m. of the day designated, but a report is deemed timely filed if postmarked by the U.S. Postal Service not later than midnight of the day designated, and a certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing bearing a date on or before the date on which the report is due serves as proof of mailing in a timely manner [153].

A political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates may file a copy of the list of contributions required by the Federal Election Campaign Act [154] with the department of state, in lieu of any required report by the committee under federal law must be reported to the division of elections as otherwise required [156].

In any reporting period during which a candidate, political committee, or committee of continuous existence has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived [158]. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate, political committee, or committee of continuous existence not reporting by virtue of such reasons must notify the filing officer on the prescribed filing date that no report is being filed on that date [158].

Any candidate required to dispose of surplus campaign funds must, on or before the date by which the disposition is to have been made, file with the officer with whom reports are required to be filed, a form prescribed by the division of elections listing the name and address of each person or unit of government to whom any of the funds were distributed and the amounts [159]; the name and address of each person to whom an expenditure was made, together with the amount and purpose [160]; and the amount of funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located [161]. The report must be signed by the candidate and the campaign treasurer, and certified as true and correct [162]. Any candidate who transfers surplus campaign funds into an office account must file a report on the tenth day following the end of each calendar quarter until the account is closed [163]. The reports must contain the name and address of each person to whom any disbursement of funds was made, together with the amount and purpose, and the name and address of any person from whom the elected candidate received any refund or reimbursement, and the amount [164]. The reports must be on forms prescribed by the division of elections, signed by the elected candidate, and certified as true and correct [165].

D. Reporting by Others. Each person who makes an independent expenditure with respect to any candidate or issue, which, in the aggregate, amounts to $100 or more, must file periodic reports of such expenditures in the same manner, at the same time, and with the same officer as a political committee supporting or opposing the candidate or issue [166].

Any group, club, association, or other organization, except political party organizations, which intends to endorse the candidacy of one or more candidates for public office or which endorses or opposes any referendum by means of political advertisements must, prior to publishing, issuing, broadcasting, or otherwise distributing the advertisement, file a statement with the officer before whom each candidate that the organization intends to endorse qualified for office pursuant to law [167]. The statements must contain the date the organization was chartered, the number of members during the most recent twelve months, and how many of these members, if any, have paid dues [168]; a list of current officers or directors of the organization, and a statement as to their method of selection [169]; a statement of the procedures used by the organization in determining which candidates to endorse [170]; if political advertisements for endorsement purposes are to be paid from funds other than the dues of the membership of the organization, a statement describing the sources of the funds [171]; and the amount of funds paid to the organization by candidates for public office, including payments in the form of dues, and the name of, and office sought by, each candidate [172].

The state executive committee, and each county executive committee of each political party must file regular reports of all contributions received and all expenditures made by the committee [173]. The reports of the state committee must be filed with the division of elections, and each county committee must file reports with the supervisor of elections in the county in which the committee exists [174]. The reports must contain the same information as do reports required of candidates, and must be filed on the tenth day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, the reports must be filed on the Friday immediately preceding the first primary, the second primary, and the general election [175].

V. TAX PROVISIONS

Florida has no provisions related to tax treatment of political contributions nor any mechanism for providing taxpayer allocation of funds to political parties or candidates.

VI. POST-ELECTION REQUIREMENTS

A. Recordkeeping. Accounts kept by a campaign treasurer of a candidate must be preserved by the campaign treasurer for a number of years equal to the term of office, to which the candidate seeks election [176]. Accounts kept by a campaign treasurer of a political committee must be preserved by the treasurer for at least two years after the date of the election to which the accounts refer, or at least one year after the date of last supplemental statement is filed, whichever is later [177].

B. Post-election Expenditures. Funds remaining in the campaign treasury following the election day are to be used solely for payment of remaining financial obligations incurred prior to or on election day, which are presented for payment [178], although expenditures may be made for expenses incurred in "winding up" the campaign [179]. Failure to identify a contribution received by a candidate as a loan prevents repayment of that contribution from the campaign account [180].

C. Disposition of Surplus Funds. Any candidate who withdraws his candidacy must, within ninety days, dispose of the funds on deposit in his campaign account [181]. The candidate may not accept any contributions, nor may any person accept contributions on behalf of the candidate, after the candidate withdraws his candidacy [182]. Each candidate who has been eliminated as a candidate, who has become unopposed, or is elected to office must, within ninety days, dispose of the funds on deposit in his campaign account [183]. The candidate may not accept any contributions, nor may any person accept contributions on behalf of the candidate, after the candidate has been eliminated as a candidate, becomes unopposed, or is elected to office [184].

All funds on deposit in the campaign account of any candidate which have not been used in a campaign for public office within two years from the date the campaign account was established must, within ninety days following the second anniversary of the date the campaign account was established, be disposed of in accordance with law [185]. The candidate may not accept any contributions, nor may any person accept contributions on behalf of the candidate, after the second anniversary of the date the campaign account was established [186]. Any candidate required to dispose of surplus funds may, prior to the disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign [187].

The campaign treasurer of a candidate who withdraws his candidacy or who has been eliminated as a candidate, who has become unopposed or who has been elected to office and who has funds on deposit in a campaign savings account or certificate of deposit must, within seven days of the date of becoming unopposed, or the date of the withdrawal, elimination, or election, transfer the funds and any accumulated interest to the campaign account of the candidate for disposal in accordance with law [188].

Any candidate required to dispose of surplus funds must, at the candidate's option, either return pro rata to each contributor the funds which have not been spent, or obligated to be spent, with respect to a campaign which has been conducted [189]; donate the funds to a charity organization or organizations which meet the qualifications of Internal Revenue Code § 501(c)(3) [190]; give the funds to the political party of which the candidate is a registered member [191]; or give the funds, in the case of a candidate for state office, to the state, to be deposited in the general revenue fund [192]; or, in the case of a candidate for an office of a political subdivision, to that political subdivision, to be deposited in its general fund [193].

A candidate elected to office, or a candidate who will be elected to office by virtue of his being unopposed, may dispose of the funds in the campaign account by transfering from the campaign account to an office account used only for legitimate expenses in connection with his public office any amount of the funds on deposit in the campaign account up to $10,000 for a statewide office candidate [194]; $5,000 for a multicounty office candidate [195]; $2,500 multiplied by the number of years in the term of office for which a candidate for legislative office is elected [196]; $2,000 for any candidate for county office, or for a candidate in any election conducted on less than a countywide basis [197]; $6,000 for a candidate for retention as a justice of the supreme court [198]; $3,000 for a candidate for retention as a judge of a district court of appeal [199]; and $1,500 for a candidate for county court judge or circuit judge [200].

VII. OFFENSES AND PENALTIES

A fine of $50 is imposed for each day a required report is late, unless the contributions or expenditures amount to $100 or less, in which case the fine is $10 for each late day [201].

Any candidate; campaign manager, treasurer, or deputy treasurer of any candidate; committee chairman, vice chairman, treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee or other person who knowingly and willfully [202] accepts a contribution in excess of the prescribed limits [203]; fails to report any contribution required to be reported [204]; falsely reports or deliberately fails to include any required information [205]; or makes or authorizes any prohibited expenditure [206], is guilty of a misdemeanor in the first degree [207]. Willfully certifying the correctness of impropere required reports is a misdemeanor of the first degree [208], but may also be a felony, if the reports are incomplete, incorrect, or false [209]. Any person who accepts an excessive contribution, fails to report a contribution required to be reported, or makes or authorizes a prohibited expenditure may also be subject to a civil penalty equal to three times the amount involved in the illegal act, to be paid into the state general revenue fund [210].

The name of a candidate must not be printed on the ballot for an election if the candidate is convicted of such a violation [211]. Any candidate whose name is so removed from the ballot is disqualified as a candidate for the office [212]. If the disqualification of the candidate results in a vacancy in nomination, the vacancy must be filled by a person, other than that candidate, in the manner provided by law [213]. If a successful candidate is convicted of such a violation prior to the issuance of his or her certificate of election, the certificate must not be issued, and a vacancy must be declared and filled as provided by law [214]. If a successful candidate is convicted of such a violation subsequent to the issuance of a certificate of election, but prior to taking office, the certificate must be rescinded by the issuing body and declared void, and a vacancy in office will exist and be filled as provided by law [215]. No certificate of election may be granted to any candidate until all required pre-election reports have been filed in accordance with law [216].

Any person who holds a campaign fundraiser, or consents to a campaign fundraiser being held, in violation of the laws or notice and treatment of resulting contributions and expenditures, is guilty of a misdemeanor in the first degree [217], as is any person who fails to include the prescribed disclaimer for an independent expenditure in any political advertisement which is required to include the disclaimer [218].

Any person who knowingly and willfully makes a contribution in violation of the limitations on contributions [219] in the name of another [220], or to a cause or organization established primarily for the public good in a nonconforming manner, [221]; or any person who knowingly and willfully fails or refuses to return a contribution received in the last five days prior to an election [222], is guilty of a misdemeanor of the first degree [223]. If any corporation, partnership, or other business entity is convicted of such a knowing and willful violation, it must be fined not less than $1,000 and not more than $10,000 [224]. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in Florida may be forfeited [225]. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity who aids, abets, advises, or participates in such a violation is guilty of a misdemeanor of the first degree [226]. Any person who knowingly and willfully makes such a violation must, in addition to any other penalty, pay to the state a sum equal to twice the amount contributed in violation for deposit in the general revenue fund [227].

Any person who makes or accepts a cash contribution or contribution by means of a cashier's check in excess of $100 is guilty of a misdemeanor of the first degree [228].

Any corporation, partnership, or other business entity which knowingly and willfully provides goods or services to a candidate or political committee without authorization is guilty of a misdemeanor, punishable by a fine of not less than $1,000 and not more than $10,000 [229]. If it is a domestic corporation, partnership, or other business entity, it may be dissolved in addition to any fine and penalty; if it is a foreign or nonresident corporation, partnership, or other business entity, its right to do business in Florida may be declared forfeited [230]. Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids or abets in such a violation is guilty of a misdemeanor of the first degree [231], as is any individual who knowingly and willfully violates such provisions [232].

Any candidate, or any person on behalf of a candidate, who accepts contributions after the candidate has withdrawn his candidacy, after the candidate has been eliminated as a candidate or elected to office, or after the second anniversary of the date the candidate's campaign account was established, is guilty of a misdemeanor of the first degree [233], as is any candidate who fails to dispose of surplus campaign funds as required by law [234].

Any officer, director, or other person acting on behalf of an organization who willfully violates the provisions of the law governing endorsements is subject to civil penalty not to exceed $1,000 per count [235]. Any person violating the provisions against payment for speaking [236], or use of state-owned aircraft or motor vehicles [237] or state employees [238] is guilty of a misdemeanor of the third degree [239].

VIII. REGULATORY AGENCIES

A. Division of Elections and Florida Elections Commission. The division of elections of the department of state is required to prescribe forms for statements and other information required by the campaign financing provisions, and to furnish the forms to persons required to file with that office [240]; prepare and publish manuals or brochures setting forth recommended uniform methods of bookkeeping and reporting, and including appropriate portions of the code, for use by persons required to file statements [241]; develop a filing, coding, and cross-indexing system consonant with the law [242]; preserve required statements and information filed with the division for ten years from date of receipt [243]; prepare and publish any appropriate reports [244]; make, from timely audits and field investigation with respect to filed statements and reports, and with respect to alleged failures to file any required report or statement [245]; investigate apparent or alleged violations of the campaign financing provisions and recommend legal disposition of the violation [246]; employ necessary personnel or contract for services [247]; provide adequate staffing and facilities for the Florida elections commission [248]; prescribe necessary rules and regulations to carry out the campaign financing provisions [249]; and report annually to the president of the senate and the speaker of the house on the division's activities and recommended improvements to the election code [250].

Any report required to be filed with the division that is incomplete will be accepted on a conditional basis, and the division must notify the campaign treasurer by registered mail as to why the report is incomplete, affording the treasurer three days from receipt of notice to file a complete addendum [251]. In lieu of registered mail, the division may notify the campaign treasurer by telehone that the report is incomplete, and request the information necessary to complete the report [252]. If, however, the information is not received by the division within three days of the telephone request, notice must be sent by registered mail [253].

The division of elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, political committee, committee of continuous existence, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions the requesting party has taken or proposes to take [254]. Any such person or organization acting in good faith upon such an advisory opinion may not be subject to any criminal penalty provided for under the campaign financing provisions [255]. The opinion, until amended or revoked, must be binding on any person or organization who sought the opinion, or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion [256]. All opinions are to be returned, sequentially numbered, dated, and indexed [257].

To carry out its responsibilities, the division of elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, any person doing business in the state, or any person who has filed or is required to file any application, document, papers, or other information with an office or agency of the state or any of its political subdivisions, and to require the production of any papers, books, or other records relevant to any investigation, including the records of any bank or trust company doing business in the state [258]. Duly authorized representatives of the division are empowered to administer all oaths and affirmations as prescribed by law to witnesses appearing before them [259]. Should any witness fail to respond to the division's lawful subpoena, or having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness [260]. On the filing of such a complaint, the court must take jurisdiction of the witness and the subject matter of the complaint, and must direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded [261]. The failure of any witness to comply with such an order of the court constitutes a direct and criminal contempt of court, with appropriate punishment [262]. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that the testimony or material will tend to incriminate the witness is not deemed such a refusal to comply [263].

Non-exclusive jurisdiction to investigate and determine violations of the campaign financing law is vested in the division of elections and the Florida elections commission, a seven-member commission appointed by the governor with the approval of three members of the cabinet, and subject to confirmation by the senate [264]. Of the seven members, no more than four members may be from the same political party at any one time [265], and no member may be a member of any county, state, or national committee of a political party; be an officer in any partisan political club or organization; hold or be a candidate for, any other public office, or have held an elective public office, or office in a political party within the year immediately preceding appointment [266].

The division must investigate and report to the commission all violations of the campaign financing laws [267]. Any person having information pertaining to such violation must file a sworn complaint with the division which must state whether the same complaint has been made to any state attorney [268]. The division must, by written report filed with the commission, find an apparent violation or no apparent violation of the law, and the commission must make a preliminary determination to consider the matter or refer it to the state attorney for the judicial circuit in which the alleged violation occurred [269]. Confidentiality of sworn complaints and proceedings is provided for until entry of a final order unless confidentiality is waived in writing by the person against whom the complaint has been filed [270]. The commission's jurisdiction has been held to be adjudicatory, not investigatory, and thus specific notice of alleged violations must be provided an alleged offender before entry of an order relating to such violations [271].

The commission must consider all matters reported to it by the division of elections, or otherwise coming to its attention, and may issue subpoenas and other necessary process to compel the appearance of witness before it [272]. The chairman or any other commission member may administer all oaths and affirmations to witnesses, and the commission may also compel by subpoena the production of any books, letters, or other documentary evidence it requires [273]. The county sheriff is responsible for service and execution of all process or orders [274]. Any person served with a hearing subpoena must also be served with a general statement informing him of the subject matter of the commission's investigation or inquiry, and a notice that he may be accompanied at the hearing by counsel of his choosing [275].

Should any witness fail to respond to the lawful subpoena, or having responded, fail to answer all lawful inquiries or to turn over subpoenaed evidence, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness [276]. On the filing of such a complaint, the court must take jurisdiction of the witness and the subject matter of the complaint, and direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded [277]. Failure to comply with such an order constitutes a direct and criminal contempt of court, and must be punished accordingly [278].

At the conclusion of its hearings, the commission immediately begins deliberations, and determines by an affirmative vote of four of the members present whether a violation has occurred [279]. The determination must promptly be made public, and the order must contain a finding of a violation or no violation, and the assessment of permitted civil penalties, if any [280]. The commission is authorized to impose civil penalties of not more than $1,000 per count for a violation [281]. In determining the amount of the penalty, the commission must consider, among other mitigating and aggravating circumstances, the gravity of the act or omission [282]; any previous history of similar acts or omissions [283]; the appropriateness of the penalty to the financial success of the person, political committee, or committee of continuous existence [284]; and whether the offender has shown good faith in attempting to comply with the law [285]. Civil penalties are to be deposited into the general revenue fund of the state [286]. If any person, political committee, or committee of continuous existence fails or refuses to pay a required civil penalty, the commission may bring an action in any circuit court of the state to enforce the penalty [287].

Criminal proceedings for violations may be brought in the appropriate court of competent jurisdiction, and must be advanced on the docket and put ahead of all other actions [288]. Civil actions may be brought for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for imposition of civil penalties, in the appropriate court of competent jurisdiction in the county in which the alleged violation occurred, or in which the alleged violator or violators are found, reside, or transact business [289]. Upon a proper showing that a person or political committee has engaged, or is about to engage, in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order is to be granted without bond by the court, and civil penalties imposed as permitted [290]. Civil actions to temporarily enjoin the issuance of certificates of election to successful candidates who have allegedly violated the campaign financing provisions may be brought in the circuit court for the circuit in which the officer before whom the candidate qualified for office is located, and must issue upon a showing of probable cause that such a violation has occurred [291]. All actions for violations must be commenced by two years from the date of violation [292].

B. Supervisor of Elections. The supervisor of elections in each county serves as the filing officer for reports and statements of certain candidates and political committees [293]. Any report required to be filed with the supervisor that is incomplete will be accepted on a conditional basis, and the supervisor must notify the campaign treasurer by registered mail as to why the report is incomplete, affording the treasurer three days from receipt of notice to file a complete addendum [294]. In lieu of registered mail, the supervisor may notify the campaign treasurer by telephone that the report is incomplete, and request the information necessary to complete the report [295]. If, however, the information is not received by the supervisor within three days of the telephone request, notice must be sent by registered mail [296].

C. State Attorney. The state attorney is required to promptly and thoroughly investigate a complaint referred by the commission; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of the investigation, the action taken, and the disposition [297].

REFERENCES

1. Florida Statutes Annotated (hereafter FSA) § 106.011(3)(a) (West)
2. FSA § 106.011(3)(b)
3. FSA § 106.011(3)(c)
4. FSA § 106.011(3)(d)
5. FSA § 106.011(3)
6. Opinion of the Division of Elections (hereafter Op.) DE 78-37, August 21, 1978; Op. DE 78-10, August 2, 1978
7. Op. DE 78-12, February 27, 1978
8. FSA § 106.11(1)(a)
9. FSA § 106.21(3)
10. FSA § 106.04(1)
11. Op. DE 78-40, October 5, 1978
12. Op. DE 82-7, May 10, 1982
13. FSA § 106.025(d)
14. FSA § 106.055
15. Op. Att'y Gen. No. 137, 1952
16. FSA § 106.05
17. FSA § 106.05
18. FSA § 106.05
19. FSA § 106.05
20. FSA § 106.08(2); *See* Op. DE 83-10, May 10, 1983
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22. FSA § 106.08(3); *see* Op. Att'y Gen. 76-88, April 19, 1976
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CAMPAIGN FINANCE LAW
IN GEORGIA

I. INTRODUCTION

Georgia requires candidates and individuals, partnerships, labor organizations, or associations accepting or making contributions or making expenditures on behalf of a candidate, to file information on all contributions and expenditures. Reports must be made twice before and once after any primary, and once before a general election (or twice if there is a run-off election). A year-end report is required in an election year, as is an annual supplemental report for winning candidates with additional contributions or expenditures since the post-election report. Contributions are not limited, but a public utility corporation may not make contributions. Anonymous contributions are prohibited. Georgia offers no tax incentives for political contributions nor a mechanism for public financing of election campaigns. The state campaign and financial disclosure commission is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution includes a gift, subscription, loan, forgiveness of debt, advance, deposit of money, or anything of value conveyed or transferred for the purpose of influencing the nomination or election of any person for statewide office, public service commissioner, district attorney, state house of representatives and senate, constitutional judicial office, and all county and municipal offices; the recall of a public official holding elective office; or the influencing of voter approval or rejection of a proposed constitutional amendment or statewide referendum [1]. A contribution also includes retainer fees, fees, or any other form of payment made to candidates for office or officeholders, when the compensation of fees can be reasonably construed as a campaign contribution designed to encourage or influence the candidate or officeholder to introduce legislation that enriches the person, company, corporation, or other entity that made the contribution; and the introduction of such enriching legislation by the candidate subsequent to his election to office is prima facie evidence that the fee, compensation, or retainer fee was a campaign contribution [2]. A transaction in which a qualifying fee required of the candidate is furnished or paid for by anyone other than the candidate is also a contribution [3].

A contribution does not include the value of personal services performed by persons who serve without compensation from any sources and on a voluntary basis [4].

B. Limitations on Nature of Contributions. No contributions may be accepted by or on behalf of a campaign committee when there is a vacancy in the office of chairman or treasurer, the names and addresses of which are to be filed with the secretary of state [5]. Corporate contributions are permitted [6]. Separate contributions of less than $101 knowingly received from members of the same family, firm, or partnership or employees of the same person are to be aggregated annually for reporting purposes [7]. All contributions designed to influence a nomination, election, or recall are to be made directly to a candidate or committee organized under the law for that purpose [8]. Anonymous contributions of any amount are not permitted to be made or accepted and, if received by a candidate or campaign committee, must be transmitted to the director of the fiscal division of the department of administrative services for deposit in the state treasury [9]. The candidate or campaign committee must also report the contribution and transmittal to the secretary of state [10]. Any person acting on behalf of a public utility corporation that is regulated by the public service commission is not permitted to directly or indirectly contribute to a political campaign [11].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure includes a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination for election, or election of, any person for statewide office, public service commissioner, district attorney, state house of representatives and senate, constitutional judicial office, and all county and municipal offices; the recall of a public official holding elective office; or the influencing of voter approval or rejection of a proposed constitutional amendment or statewide referendum; and the payment of a qualifying fee for, or in behalf of, a candidate in most situations [12].

An expenditure does not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis [13].

IV. REPORTING REQUIREMENTS

A. General Requirements. All candidates for state, county, and municipal office and their campaign committees, as well as committees formed to bring about the recall of a public officer or approve or reject a ballot question, are required to file campaign financial disclosure reports [14]. Candidates for governor, lieutenant governor, attorney general, secretary of state, comptroller general, commissioner of agriculture, state school superintendent, commissioner of labor, public service commissioner, district attorney, the state house of representatives and senate, and all constitutional judicial officers and committees designed to promote or reject statewide ballot questions or bring about the recall of any public officer, are to file their original report with the secretary of state, and a copy to the superintendent of elections in the county where the candidate resides [15]. Candidates for county offices, justice of the peace, and committees supporting or opposing county referenda that receive more than $500 in contributions or make more than $500 in expenditures, file their reports with the superintendent of elections in the county of the election [16]. Candidates for municipal office and committees supporting or opposing municipal referenda exceeding the threshold are required to file reports with the municipal clerk in the municipality of the election or, if there is no clerk, with the chief executive officer of the municipality [17]. Further, any individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons who accepts contributions for, makes contributions to, or makes expenditures on behalf of candidates, is subject to the same filing requirements as candidates and their committees, except that contributions from individuals made directly to a candidate or his campaign committee, and contributions aggregating $500 or less, or contributions of any amount made to only one candidate do not require separate reporting [18]. The $500 threshold is for each particular election, regardless of how many candidates are involved, or how many years the spending period encompasses [19]. Out-of-state organizations and political action committees are required to file reports if contributions are made to candidates for state or local office in Georgia [20].

Reports must include information on the name and address of any person contributing $101 or more, and the amount of the contribution [21]. This figure includes the purchase of tickets for fundraising events [22]. Loans, advances, and extensions of credit which are contributions are to be reported, along with the name of the lender, and the names, addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or credit extension [23]. If any of these persons have a fiduciary relationship to the lending institution or the party making the advance or extension of credit, the report is required to so specify [24]. Expenditures of $101 or more must be reported, along with information on the name, mailing address, and occupation or place of employment of the payee, and the amount and general purpose of the expenditure [25].

Campaign committees accepting contributions or making expenditures designed to bring about the nomination of a candidate are to file disclosure reports 45 days and 15 days before the primary, and again 10 days after the primary [26]. General and special election candidates must file a report 15 days prior to the election, and candidates in a general election run-off must file another report six days before that election [27]. A final end-of- the-year report is required of all candidates on or before December 31st of the election year, regardless of whether he won, lost, or withdrew [28]. Funds received by an unsuccessful candidate to retire his campaign debt after December 31st of the election year are not required to be reported [29]. Candidates in either the primary or general election, who are both unopposed and receive no contributions of $101 or more, file only the initial and final reports [30]. All candidates are entitled to a five day grace period in filing, with a postmark within the required filing time serving as prima facie evidence of filing [31]. All reports are to be cumulative, must be sworn to by the filer [32], and list contributions and expenditures received through the date of that report [33]. Committees seeking recalls of public officials are to file their initial report within five days of the date when the official recall petition forms are issued to the sponsors [34]; with a second report filed 45 days after the filing of the initial report [35]; a third report filed within 15 days after the expiration date for acquiring signatures on the recall petition [36]; and a final report filed before December 31st of the year in which the recall election is held [37]. Incumbent public officials seeking to counter a recall are subject to reporting provisions if they receive more than $101 in contributions, or make more than $101 in expenditures during the period of the attempted recall [38].

Committees accepting contributions or making expenditures designed to bring about the approval or rejection of ballot questions are to file a disclosure report 15 days before the election, and by December 31st of the year in which the election is held [39].

A copy of the federal campaign finance report may not be filed in lieu of the Georgia disclosure report. However, a copy of the federal report may be attached to the state form in lieu of recopying contributions and expenditures on the state form [40].

B. Report of Financial Interests. Every candidate for nomination or election to a statewide office is required to file a disclosure of financial interests report with the secretary of state containing information on certain specified ownership interests [41]. The disclosure report is to be filed not later than 20 days following the date when the candidate qualifies for nomination or election, with a specified five-day grace period [42].

C. Special Requirements for General Assembly Members. Any member of the general assembly or that member's campaign committee, who accepts a reportable campaign contribution during a legislative session, is required to report the contribution to the secretary of state and appropriate superintendent of elections on the first day of the month following the month in which the contribution was accepted [43]. Anyone making such a contribution during the legislative session is also required to report the contribution to the proper authority on the first day of the month following the month in which the contribution was given [44]. These provisions apply even if the contributions were monies directly related to the legislator's candidacy for an elected office other than the general assembly [45], except when the legislator seeks federal elective office [46].

V. POST-ELECTION REQUIREMENTS

A supplemental campaign financing disclosure report is to be filed by each person elected to office no later than December 31 of each year following the year in which the election occurs if any additional contributions are received or expenditures made [47].

VI. OFFENSES AND PENALTIES.

Any person who knowingly violates the campaign disclosure provisions is guilty of a misdemeanor, or a felony if a second or subsequent offense, and is subject to imprisonment for between one and five years, a fine of not more than $5,000, or both [48]. Venue for prosecution of violations is to be the county of residence of the violator at the time of the alleged violation [49].

VII. REGULATORY AGENCIES

A. State Campaign Finance and Financial Disclosure Commission. The five-member state campaign and financial disclosure commission administers the disclosure process. Written, verified complaints may be filed with the commission by any person and, if there are reasonable grounds to believe a violation has occurred, the commission may investigate [50]. The commission is to give notice to the alleged violator, and is to conduct a hearing in accordance with the Georgia Administrative Procedure Act [51]. The commission may also initiate an investigation on its own with probable cause [52].

The commission may report suspected violations of law to the appropriate law enforcement authority [53]; direct compliance by a violator, including use of cease and desist orders [54]; direct the violator to make public corrected statements or reports [55]; make public its conclusions that a violation has occurred [56]; order payment of civil penalties of not more than $250 for each failure to file a report [57]; or petition the superior court in the county of the violator's residence to enforce its orders or initiate actions to enjoin or restrain any violation or threatened violation of the Act [58]. The commission may not act upon any non-verified or unwritten complaints, although it may investigate on its own cognizance as it deems necessary to fulfill its obligations [59].

B. Secretary of State, Superintendent of Election, and Municipal Clerks. The secretary of state serves as filing officer for reports by recall, constitutional amendment, or statewide referenda committees [60]; the superintendent of election of the candidate's county of residence is filing officer for state office candidates [61]; the superintendent of election in the respective county of election is the filing officer for county office candidates [62]; and the municipal clerk or chief executive officer of the municipality is the filing officer for a municipal office candidate [63].

C. Attorney General. The Attorney General may on his own initiative or must, upon the complaint of the commission, bring an action in superior court in the commission's name for civil penalties assessed against any person violating any provision of the campaign and financial disclosure act [64].

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CAMPAIGN FINANCE LAW
IN HAWAII

I. INTRODUCTION

Hawaii requires all candidates, parties, and committees to file information on all contributions and expenditures in a single report before and after each election, with supplemental reports required in the event of a surplus or deficit over $250. Contributions by any individual or non-party entity are limited to an aggregate of $2,000 in any election period, although candidates and their family members may contribute an aggregate of $50,000 in any election year. Political parties are limited to a sliding scale percentage based upon candidate expenditure limitations. Government employees may not be solicited for political contributions. Anonymous contributions are prohibited, and special recordkeeping requirements are imposed for cash contributions in excess of $100. The state offers a unique voluntary expenditure limit for candidates accepting public financing. Hawaii offers a tax deduction up to $100 for certain contributions to candidates or parties. Hawaii also offers a $2 tax checkoff ($4 for a joint return) and additional funds from the state, which are distributed to candidates for all non-federal elective offices. The campaign spending commission is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a gift, subscription, deposit of money or anything of value, or cancellation of a debt or legal obligation, and includes the purchase of tickets to fundraisers for the purpose of influencing the nomination or election of any person to office [1]; influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election [2]; or the use by any party for such purposes [3]; the payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge or at an unreasonably low charge for such purposes [4]; or a contract, promise, or agreement to make a contribution [5]. An expenditure made for the benefit of a candidate in cooperation, consultation, or concert with, or at the request or suggestion of someone associated with a candidate's campaign, is deemed to be a contribution to the campaign, as is the financing of the dissemination, distribution, or republication of any part of campaign materials prepared by the candidate, his committee, or agents [6].

A contribution does not include a candidate's expenditure of his own funds or the making of a loan or advance to the campaign; however, these actions are reportable as campaign receipts [7].

B. Limitations on Amounts of Contributions. While a candidate and his immediate family are limited to contributions aggregating to $50,000 in any election year [8], other persons and non-party entities may not contribute more than an aggregate of $2,000 to a candidate per specified election period [9]. The primary election period begins on January 1st of the calendar year, and continues through the next regularly scheduled primary election [10]. The general election period begins on the day after the last regularly scheduled primary election, and continues through December 31st of the election year [11]. A maximum of $2,000 in contributions to a candidate in a special primary or special election is also permitted without regard to amounts contributed in a primary or general election [12]. The special primary election period begins January 1st of the calendar year preceding the special election year [13].

Political parties are subject to different limitations. Parties are limited to aggregate contributions during a calendar year of 20% of the expenditure limit for candidates for governor, lieutenant governor, mayor, and prosecuting attorney; 30% for state senate and county council candidates; and 40% for candidates for the office of state representative, board of education, and all other offices [14].

C. Limitations on Nature of Contributions. The amounts of campaign contributions in excess of the individual and non-party committee limits that are knowingly received by candidates must be returned to the contributor or, if the contributor cannot be found, deposited with the Hawaii election campaign fund [15]. Anonymous contributions are prohibited [16]. All anonymous contributions must be returned to the donor, if possible, or deposited with the Hawaii election campaign fund [17]. Contributions aggregating less than $500 obtained through multiple contributions made by 10 or more persons at a single political function are exempt from this prohibition [18]. Contributions in the name of another are also prohibited, and are subject to escheat to the Hawaii election campaign fund [19].

All contributions are to be recorded as to description and value, and the name and address of each donor of more than $25 in value is to be noted [20]. All monetary contributions are to be promptly deposited in a financial depository authorized to do business in Hawaii, in the name of the candidate, committee, or party, as appropriate [21]. Receipts are to be issued to any person contributing more than $100 in cash [22].

Contributions may not be received for any purpose other than those directly related to the campaign with respect to which the contribution was made, or to campaign against any other candidate not directly opposing the candidate for whom the funds were collected or with whom the treasurer or committee is directly associated [23]. Contributions in the form of a purchase by a candidate, treasurer, or committee of not more than two tickets for each fundraiser held by another candidate, committee, or party are permitted [24]. Parties are also permitted to support more than one candidate [25].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is the purchase or transfer of money or anything of value, promise or agreement to purchase or transfer anything of value, payment incurred or made, or the use or consumption of a non-monetary contribution for the purpose of influencing the nomination or election of any person seeking nomination or election to office, whether or not the person has filed nomination papers [26]; influencing the outcome of

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any question or issue which appears, or is reasonably certain to appear, on the ballot at the next applicable election [27]; use by any party for these purposes [28]; the payment, by any person other than a candidate or committee, of compensation for the personal services of another person rendered to the candidate or committee for such purposes [29]; or the expenditure by a candidate of his own funds for such purposes [30]. A political poll is a campaign expenditure [31].

B. Limitations on Amounts of Expenditures. Hawaii offers a unique voluntary expenditure limitation to candidates. Under this provision, candidates and committees may voluntarily agree to limit campaign expenditures according to specified formulae by filing a notarized affidavit to that effect with the campaign spending commission not later than 4:30 p.m. on the day of filing for nomination or election, or within 10 days after the committee is organized, if the committee is organized after the filing deadline [32]. The expenditure limitation applies from January 1st of the year in which the election is held, through the day of the special or general election [33]. All authorized expenditures are limited based upon the number of voters in the preceding general election who were registered to vote for the respective classes of office [34]. Candidates for governor are limited to $1.25 times this number of voters; candidates for lieutenant governor are limited to 70¢ per voter; mayoral candidates can spend $1 per voter; those running for state senator, state representative, county council member, and prosecuting attorney are permitted to spend 70¢ per voter; and board of education candidates and those seeking all other offices cannot exceed 10¢ per voter [35]. These amounts increase at a rate of 10% annually, beginning in 1975 [36]. The direct cost of certain expenses attendant to fundraising activities, for which attendees or participants are charged, are not considered expenditures for purposes of the voluntary expenditure limitation [37]. These items include rent, utilities, food, beverages, guest speakers, entertainment expenses, printing, postage, and other direct costs incurred in soliciting attendance [38].

C. Limitations on Nature of Expenditures. Donations by candidates to community, youth, recreation, or social organizations are presumed to be campaign expenditures for reporting purposes, unless rebutted by clear evidence showing otherwise [39]. All expenditures are deemed to be for the election following the period in which the expenditure is reportable, unless the file furnishes information justifying an allocation to a later date [40]. Use of campaign funds to pay for the costs of reports, surveys, or polls which influence a nomination or election to office are expenditures for reporting purposes, as is the use of personal funds or funds other than contributed funds for those purposes, if made by anyone seeking nomination for election or election to office [41]. Exceptions are made for those types of expenditures by nonaffiliated groups not favoring any candidate with their work, governmental work involving these types of expenditures, and nonpartisan news reporting entities, although the exceptions may be disallowed where the report, survey, or poll directly identifies a candidate, advocates or supports the candidate's nomination for election, election, or defeat, or is published within 90 days before any election day [42].

Only the campaign treasurer and deputy campaign treasurer are authorized to make expenditures for their principals [43], and specific written authorization of the candidate or the candidate's authorized representative is necessary for an expenditure to be made or incurred [44]. When an expenditure of funds is made from a campaign depository, it must be done only with the treasurer's written authorization [45].

IV. REPORTING REQUIREMENTS

A. Registration. Each candidate, party, and committee is required to file an organizational report with the campaign spending commission [46]. For county or city races where the county has less than 200,000 voters, filing may be with either the commission or the clerk of the county in which the candidate resides [47]. The clerk is to send a copy of the report to the commission by certified mail [48]. An original and one copy is to be filed with the commission; if filing is with a county clerk, an original and two copies are required [49]. Filing must be completed by 4:30 p.m. on the day of filing for the nomination or election [50]. Any committee organized after the filing deadline must file an organizational report within 10 days after the committee receives a total of more than $100 in contributions [51].

The organizational report must contain the name and address of the entity or individual filing the report; the name, address, office sought, and party affiliation of those the filer is supporting; names and addresses of the campaign treasurer, chairman, and deputy treasurer and deputy chairman; a list of all banks, safety deposit boxes, or other depositories, with account numbers; and names, addresses, and occupations of each donor contributing an aggregate of more than $100 since the last election for that office or ballot question, and the amount and date of the deposit of the contribution [52]. A ballot question committee must also describe the question or issue [53]. Any change in information (other than that pertaining to contributions) is to be reported by 4:30 p.m. on the 10th calendar day after the change is brought to the attention of the candidate, committee, party, or campaign treasurer [54].

Candidates for statewide or county offices who are supported by more than one committee, are required to designate a central committee responsible for aggregating contribution and expenditure information and filing composite reports [55].

B. Report Contents. Candidates, committees, and parties must file preliminary, final, and supplemental reports. Preliminary reports are filed with the campaign spending commission or the appropriate clerk's office not later than 4:30 p.m. of the 10th working day prior to each election [56]. The report, which must be certified by a person authorized to sign the reports [57], is to contain information on the aggregate amount of all contributions and campaign receipts; the amount and date of deposit of the contribution and name and address of each donor contributing an aggregate of more than $100; the name and address of each payee, and the amount and purpose of the expenditure; and the current balance of the committee's accounts [58]. If the reporting entity's expenditures for the reporting period are $500 or less, a short form report may be filed [59]. Similarly, if the entity receives no contributions or has a deficit or a surplus of $250 or less during the reporting period, short form reports may be filed [60]. Preliminary reports cover contributions and expenditures beginning January 1st of the calendar year preceding the calendar year of the primary, special primary, or special election [61].

A report is also to be filed on the 20th day after a primary or special primary election [62] and the 30th day after a general, special general, or special election [63].

Supplemental reports are required every six months, beginning not later than 4:30 p.m. on the 30th day after the last day of the election year if a reporting entity has a deficit of more than $250 [64]. The first report is also due by 4:30 p.m. on the 30th day after the last day of the election year, and cumulative reports providing information as required in final reports must be filed each six months until an individual becomes a candidate again, or in the case of a party or committee, until it participates in another election [65]. Termination of registration or reregistration with the commission for a new election period also may end supplemental reporting requirements [66].

V. PUBLIC FINANCING PROVISIONS

Hawaii provides for public financing of races for any non-federal, elective public or constitutional office. The Hawaii election campaign fund is comprised of appropriated general fund revenues, money paid into the fund by candidates and committees in circumstances as noted above, and designation of income tax liability on tax returns [67]. Candidates for governor, lieutenant governor, or mayor may receive public funding in an amount up to 20% of the total expenditure limit set forth under the voluntary limitations provisions in any election year [68]. Candidates for all other offices may receive up to $100 in any election year [69].

To receive public financing for any primary or general election, a candidate must file a voluntary expenditure limitation affidavit [70], and receive qualifying contributions exceeding $25,000 for gubernatorial candidates; $20,000 for those running for lieutenant governor; $15,000 for mayoral candidates in counties with more than 100,000 registered voters; $2,000 for mayoral candidates in counties with less than 100,000 registered voters; and $500 in contributions for anyone seeking any other office [71]. Qualifying contributions are those which are received by a candidate after filing a statement of intent to seek qualifying contributions, aggregate less than $100 for any one contributor, and are detailed in records showing the contribution date and amount, along with information on the home, address, and occupation of the contributor [72]. Finally, candidates must agree to keep detailed records of contributions and expenditures; limit expenditures [73]; agree to audits and examinations by the commission and to pay any amounts required to be paid by virtue of an audit; and qualify to be on the election ballot [74].

Payment of public funds is made on the basis of an amount equal to each qualifying contribution received during the matching payment period involved [75]. Candidates for governor, lieutenant governor, or mayor may only receive up to 50% of the total amount of funds allocated to candidates for the respective offices in each primary, special primary, or general election [76]. For other activities, candidates may receive a maximum of $50 of public funds for any primary, special primary, or general election [77]. Primary and special primary election candidates, who are candidates in a subsequent general election, are eligible to receive up to one-half of the balance of the public funds available to the candidate if he qualified for the maximum amount of public funding in the appropriate primary [78].

Applications for public funding by those qualifying must be made not later than 10 days prior to the election in which the candidate seeks funding [79]. Funds are to be disbursed to the candidate within 10 days after the initial application is made [80]. The application must contain detailed records on qualifying contributions [81]. Subsequent funding may be received by submitting statements to the commission containing the same information as required by the initial statement as to donors who have contributed to the candidate since the most recent filing [82]. Funding based on supplemental reports must be made by the commission within two weeks after receipt of the required information [83].

Public campaign funds may only be used on behalf of an eligible candidate [84], and may not be transferred from one election to another nor transferred to another candidate [85]. Public funds must be deposited in a financial institution authorized to do business in Hawaii, and all expenditures of public funds must be made by checks drawn on the account [86]. Public funds may only be used by a candidate for filing fees, media costs, and printing expenses, although public funds may be used to repay a loan if the loan proceeds were used to pay for authorized campaign expenses [87].

A candidate may only receive public funding if at least one other candidate for the same office qualifies for the office in the same election [88]. If a candidate's final report shows that he has spent less than the maximum amount of public funds permitted for the office, all unexpended funds are to revert to the Hawaii election campaign fund [89]. Each candidate's qualifying contributions and campaign expenses are audited by the commission within 60 days after each general election [90]. Any excess payments which the commission notifies the candidate of within two years after payment of such funds must be refunded [91]. The candidate is required to pay to the fund an amount equal to three times the amount of any public funds found to have been used for any improper purpose [92]. Any recipient of public funds convicted of violating any of the provisions of the public funding laws is required to reimburse the full amount of public money received by the candidate to the campaign fund [93].

VI. TAX PROVISIONS

Hawaii permits an individual to designate $2 (or in the case of a married couple filing jointly, $2 by each spouse) of tax liability to the election campaign fund [94]. This checkoff does not increase taxes. Individuals may also choose to receive a tax deduction for up to $500 per year for contributions aggregating $100 or less to any single candidate [95] (candidates must, however, agree to adhere to the expenditure limits and file the required affidavit before a deduction is to be permitted) [96], or claim a deduction for contributions of not more than $100 to a party central or county committee [97]. A receipt or copy of a canceled check must be attached to the tax return to qualify for a deduction [98].

VII. POST-ELECTION REQUIREMENTS

Supplemental reports are required every six months, beginning not later than 4:30 p.m. on the 30th day after the last day of the election year, if a reporting entity has a deficit of more than $250 [99]. The first report is also due by 4:30 p.m. on the 30th day after the last day of the election year, and cumulative reports providing information as required in final reports must be filed each six months until an individual becomes a candidate again, or in the case of a party or committee, until they participate in another election [100]. Termination of registration or reregistration with the commission for a new election period also may end supplemental reporting requirements [101].

The campaign treasurer for a candidate receiving public funds for his campaign is required to file a report with the commission not later than 20 days following an election, showing that all public funds paid to the candidate were properly utilized [102]. All candidates who cease to be candidates, committees directly associated with those candidates, individuals receiving contributions but not filing for nomination, or committees or parties discontinuing their activities are required to return contributions to donors [103]. If the donor cannot be found, or if the contributions were public funds, the residuals escheat to the Hawaii election campaign fund [104]. After all residual funds have been distributed, the amounts and manner of the disposition must be reported to the commission by the candidate or campaign treasurer [105]. These requirements do not apply to elected officials or to candidates who fail to be nominated or elected [106].

Excess contributions, those received above the expenditure limit for candidates receiving public financing, may be used after a general or special election for any fund raising activity, for any other candidate-sponsored politically-related activity, for any ordinary and necessary expenses incurred in connection with the candidate's duties of an elected state office, or for any contribution to any community service, educational, youth, recreational, charitable, scientific, or literary organization [107].

All records are to be retained by those required to report expenditures for at least two years after the filing deadline for each report [108].

VIII. OFFENSES AND PENALTIES

Violations of the campaign finance laws by any natural person subjects the individual to penalties specified for petty misdemeanors [109]. Corporations, labor unions, organizations, or associations violating the campaign finance laws are subject to a fine of not more than $1,000 [110]. An officer, director, or agent of such an entity who knowingly authorizes, orders, or performs an act constituting a violation of the act is also individually liable [111]. Any person is eligible to sue for injunctive relief to compel compliance with the campaign finance laws [112]. A two-year statute of limitations, beginning on the latter of the date of violation or date of filing of the report covering the period in which the violation occurred, is imposed [113].

IX. REGULATORY AGENCIES

A. Lieutenant Governor and Campaign Spending Commission. The lieutenant governor is the chief election officer, and is responsible for developing the forms used for reporting, publishing a campaign finance law compliance guide, preserving reports for five years from receipt, and permitting public access to records [114]. The campaign spending commission is composed of five members selected by the governor from 10 persons, five from each of two major political parties, nominated by the judicial council [115]. Two members from each party and a chairman are appointed for four-year terms [116]. The commission is under the Office of the Lieutenant Governor for administrative purposes [117]. The commission's principal duty is to supervise campaign contributions and expenditures [118], and is afforded responsibility for report monitoring [119], administering and monitoring the distribution of public funds [120], investigating and holding hearings to receive evidence of violations [121], and recommending prosecution [122].

B. Attorney General and Prosecuting Attorney. The attorney general and prosecuting attorney of the appropriate county have concurrent jurisdiction for prosecution of violations [123]. Prosecution commences with a written commission request or court order [124]. For state offices, parties, or issues, the attorney general or prosecuting attorney for the City and County of Honolulu shall prosecute the violation [135]. In choosing a prosecuting agency, the commission is to be guided by whether there will be any conflicting interest between the agency and its appointive authority [126]. Expeditious judicial processing of campaign finance law suits is required [127].

REFERENCES

1. Hawaii Revised Statutes (hereafter HRS) § 11-191(7)(A)(i)
2. HRS § 11-191(7)(A)(ii)
3. HRS § 11-191(7)(A)(iii)
4. HRS § 11-191(7)(B)
5. HRS § 11-191(7)(C)
6. HRS § 11-207(a)
7. HRS § 11-191(7)(D)
8. HRS § 11-204(b)
9. HRS § 11-204(a); Campaign Spending Commission Rules and Regulations (hereafter Rules) § 2-14-8
10. Rules § 2-14-8(b)
11. Rules § 2-14-8(c)
12. Rules § 2-14-8(d)
13. Rules § 2-14-8(d)
14. HRS § 11-205; Rules § 2-14-9
15. HRS § 11-204(d)
16. HRS § 11-201(a)
17. HRS § 11-201(b)
18. HRS § 11-201(c)
19. HRS § 11-202
20. HRS § 11-199(b)
21. HRS § 11-199(a)
22. HRS § 11-199(d)
23. HRS § 11-200(a)
24. HRS § 11-200(a)
25. HRS § 11-200(b)
26. HRS § 11-191(10)(A)(i)
27. HRS § 11-191(10)(A)(ii)
28. HRS § 11-191(10)(A)(iii)
29. HRS § 11-191(10)(B)
30. HRS § 11-191(10)(C)
31. Attorney General Letter Opinion (hereafter Att. Gen. Ltr. Op) January 8, 1974.
32. HRS §§ 11-208, 11-194
33. HRS § 11-209(a)
34. HRS § 11-209(a)
35. HRS § 11-209(a)
36. HRS § 11-209(b)
37. HRS § 11-203(a)
38. HRS § 11-203(a)
39. Rules § 2-14-3(b)
40. Rules § 2-14-3(d)
41. Rules § 2-14-6
42. Rules § 2-14-7(b), (c)
43. HRS § 11-198(c)
44. HRS § 11-207(c)
45. HRS § 11-207(b)

46. HRS § 11-194
47. HRS § 11-195(b)
48. HRS § 11-195(b)
49. HRS § 11-195(b)
50. HRS § 11-194
51. HRS § 11-194
52. HRS § 11-196(a)
53. HRS § 11-196(a)
54 HRS § 11-196(b)
55. HRS § 11-197
56. HRS § 11-212(a)
57. HRS §§ 11-212(a), 11-195(a)
58. HRS § 11-212(a)
59. HRS § 11-212(b)
60. HRS § 11-213(a)
61. Rules § 2-14-1
62. HRS § 11-213(a)
63. HRS § 11-213(b)
64. HRS § 11-213(b)
65. HRS § 11-213(d)(2)
66. HRS § 11-213(f)
67. HRS § 11-217
68. HRS § 11-218(a)
69. HRS § 11-218(b)
70. HRS § 11-208
71. HRS § 11-219
72. HRS § 11-220(a), (b)
73. HRS § 11-209
74. HRS § 11-220(a), (b)
75. HRS § 11-221(a)
76. HRS § 11-221(b)
77. HRS § 11-221(c)
78. HRS § 11-221(d)
79. HRS § 11-222(b)
80. HRS § 11-222(a)
81. Rules § 2-14-10(a)(4)(A)
82. Rules § 2-14-10(b)(2)
83. HRS § 11-222(c)
84. HRS § 11-223(b)
85. HRS § 11-223(d), (e)
86. HRS § 11-223(f)
87. Rules § 2-14-11(a)
88. HRS § 11-223(c)
89. HRS § 11-223(g)
90. HRS § 11-225(a)
91. HRS § 11-225(c)
92. HRS § 11-225(d)
93. HRS § 11-225(e)
94. HRS § 235-102.5
95. HRS § 235-7(g)(2)
96. HRS § 11-226(c); Att. Gen. Ltr.
Op. August 14, 1980
97. HRS § 237-7(g)(1)
98. HRS § 12-226(e)
99. HRS § 11-213(b)
100. HRS § 11-213(d)(2)
101. HRS § 11-213(f)
102. HRS § 11-224
103. HRS § 11-214(a)
104. HRS § 11-214(a),(b)
105. HRS § 11-214(c)
106. HRS § 11-214(d)
107. HRS § 11-206(c)
108. Rules § 2-14-5
109. HRS § 11-228(a)(1)
110. HRS § 11-228(a)(2)
111. HRS § 11-228(a)(3)
112. HRS § 11-228(b)
113. HRS § 11-229(c)
114. HRS § 11-193(a)
115. HRS § 11-192
116. HRS § 11-192
117. HRS § 11-192
118. HRS § 11-193(b)
119. HRS § 11-193(b)(1)
120. HRS § 11-193(b)(7)
121. HRS § 11-193(b)(3)
122. HRS § 11-193(b)(6)
123. HRS § 11-229(a)
124. HRS § 11-229(a)(1)
125. HRS § 11-229(a)(3)
126. HRS § 11-229(a)(3)
127. HRS § 11-229(b)

CAMPAIGN FINANCE LAW
IN IDAHO

I. INTRODUCTION

Idaho requires all candidates, political committees, organizations that contribute more than $500 to a political committee, and persons making independent expenditures of more than $50 to file information on all contributions and expenditures twice before and once after any election. Winning candidates in a primary do not file a post-primary report. Annual reports are required annually in the event of an unexpended balance or expenditures deficit. There are no limitations on contribution amounts, although anonymous contributions must be $50 or less. Idaho offers a fifty-percent tax credit for political contributions up to a maximum of $5 ($10 for a joint return) and provides a $1 tax checkoff, with funds distributed to the political party designated by the taxpayer. The secretary of state is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subcription, or transfer of money or anything of value, and any contract, agreement, promise, or other obligation to make a contribution in support of or in opposition to any candidate, political committee, or measure [1]. A contribution also includes personal funds or other property of a candidate or members of the candidate's household expended or transferred to cover expenditures incurred in support of the candidate, and the rendering of personal and professional services for less than full consideration [2].

A contribution does not include personal funds to pay the candidate's filing fee, ordinary home hospitality, or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors, or incidental expenses not in excess of $25 personally paid for by any volunteer campaign worker [3].

B. Limitations on Contributions. All individuals except certain non-exempt state employees [4], corporations, unions, and other organizations may give unlimited contributions of money, goods, or services to a candidate or political committee [5]. The treasurer for a candidate or committee may not, however, accept contributions exceeding $50 from a non-Idaho-domiciled political committee that is exempt from reporting unless the contribution is accompanied by a written statement certified by an officer of the non-reporting committee, setting forth the name and address of each person who contributed more than $50 to the non-reporting committee [6]. Any contributions of more than $50 that are not accompanied by the appropriate statement are to be returned to the non-reporting committee [7]. Non-exempt state employees may not coerce, attempt to coerce, or direct another such employee to make a political contribution [8], although they personally may make financial contributions [9].

A contribution of more than $50 from a non-business entity is not to be accepted by a political treasurer unless the contribution is accompanied by either a letter from the political treasurer of the non-business entity stating that the entity is a political committee under Idaho law and that it will comply with the requirements of the Idaho Sunshine Law for Political Funds and Lobbyist Activity Disclosure or a statement from an officer of the entity listing the names and addresses of those contributing more than $500 (including membership fees) to the entity during the calendar year immediately preceding the date of the statement [10]. No contribution may be received by or on behalf of a candidate or political committee except through the treasurer [11], and no contributions may be received if there is a vacancy in the office of treasurer [12].

The identity of the source of each contribution must not be concealed by use of a fictitious name, anonymity, or an agent [13]. Anonymous contributions of more than $50 must be returned to the donor or if this is not possible, the entire contribution must be immediately transferred to the state auditor for deposit in the public school fund [14].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement to make an expenditure [15]. An expenditure also includes a promise to pay, payment or transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate or assisting in furthering or opposing any election campaign [16].

B. Limitations on Nature of Expenditures. There are no limitations imposed upon how much money a candidate or political committee may expend [17]. Expenditures may not be made in a way that conceals the identity of the individual or organization receiving the payment [18].

IV. REPORTING REQUIREMENTS

A. Report of Contributions and Expenditures by Candidates and Political Committees. All candidates for nomination or election to state offices--governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, superintendent of public instruction, justice of the supreme court, judge of the appellate court, state senator, and state representative--are required to file reports with the secretary of state [19]. Political committees--groups or organizations that receive contributions and make expenditures of more than $500 in a calendar year in support of or opposition to a state office candidate or statewide ballot measure or that are specifically designated to support a candidate or measure (regardless of actual receipts or contributions) [20]--are also required to file reports of contributions and expenditures [21]. An organization becomes a political committee for reporting purposes if the organization contributes in excess of $500 to a political committee that in turn uses the contribution in support of a candidate or measure [22] or if the donor could reasonably expect that contribution to be used to support or oppose a candidate or measure [23]. Candidates for mayor and councilman in cities of 16,000 or more in population are also required to follow reporting requirements, but these reports are filed with the appropriate city clerk [24].

While actual reporting is not required of them, every newspaper, broadcasting station, periodical, direct mailing company printer, and advertising agency that accepts expenditures from any political treasurer is required to keep a current public record of the amounts paid and obligations incurred by the maker [25].

State party central committees are required to file a statement of qualified expenditures to date and similar expenditures that the party committee proposes to make on or after the date of the statement with the state board of examiners, an executive department of state government [26]. The board may order statements from time to time [27], but must require a report once each week during the fourth week preceding the election and once during the week preceding the election [28].

Several different reports must be filed in an election year. The first report is due between 14 and seven days before a primary and is to be current to the 15th day before the primary election [29]. Candidates and committees losing in the primary must file a report covering contributions and encumbrances made between the 15th day prior to the primary to and including the 10th day following the primary by 30 days after the primary [30]. For general election candidates and committees, an additional pre-general election report is due between 14 and seven days before the election, covering the period between the 15th day before the primary election to and including the 15th day before the general election [31]. Finally, general election candidates and committees must file not later than 30 days following the election a report of contributions, expenditures, and encumbrances made by or on their behalf between the 15th day before the general election up to and including the 10th day after the general election [32].

A report is required to be filed with the secretary of state not more than 30 days after an election by any person who made expenditures aggregating more than $50 in support of or opposition to any candidate, political committee, or measure other than by a contribution to a candidate or political committee [33].

The date of a postmark is considered to be the date of receipt of a report [34].

Required reports must set forth a list of all contributions received, including funds or property of the candidate used to cover expenditures [35]. The statement must list the full name and complete address of each person who contributed an aggregate amount of more than $50 and the amount contributed by that person [36]. The total amount of contributions of $50 or less each obtained in a similar fashion may be listed as a single item [37].

Reports are also to list the name and address of each person to whom an expenditure of $25 or more was made and the date, amount, and purpose of each such expenditure [38]. Each expenditure of $25 or more is to be vouched for by a receipt of canceled check [39]. The total amount of expenditures of $25 or less may be listed as a single item without showing the exact amount of or vouching for each such expenditure [40]. Anything of value paid for or contributed by any person must be listed both as an expenditure and as a contribution [41].

Errors may be corrected by filing an amended report [42]. If no contributions are received or expenditures made during the required reporting period, the report must so state [43].

V. PUBLIC FINANCING

Idaho provides the checkoff funds to political parties, as designated by taxpayers. Each party receives all its earmarked funds [44], and 90% of the general campaign fund monies are distributed to all parties proportionate to their share of the gubernatorial votes cast in the last election [45]. No party may receive more than half of this amount, however [46]. Any amounts greater than one-half are then aggregated and distributed equally among all parties qualifying candidates at the following general election [47]. Funds are distributed on the Tuesday after the first Monday of August in even-numbered years [48].

VI. TAX PROVISIONS

Idaho allows individuals with a state income tax liability of at least one dollar to direct one dollar of the liability to a political party fund [49].

Individuals may also receive a credit on their income tax of one-half of all political contributions, up to a maximum credit of $5 ($10 for joint returns) [50].

VII. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. If the post-general election report of contributions and expenditures shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate or political committee must continue to file annual reports on January 31st to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed [51]. Such reports are to be filed until the account shows no unexpended balance or contributions or expenditure deficit [52].

B. Disposition of Surplus Funds. Following the general election, a candidate or political committee may retain any unexpended balances for a future campaign or dispose of surplus funds. Although reporting must continue until an account shows a zero balance, there are no restrictions on the disposition of this money [53].

VIII. OFFENSES AND PENALTIES

Violations of the campaign finance laws are punishable by civil fines of not more than $250 (for individuals) or not more than $2,500 (for others) [54]. However, willful and knowing violations may result in a misdemeanor conviction, carrying not only fines as set forth for other campaign finance law violations, but also subjecting the offender to the possibility of up to six months imprisonment [55]. There is a two-year statute of limitations on such violations, beginning on the date the violation occurred [56]. Late reporting is penalized by a $10 per day fine paid to the secretary of state, unless the secretary impartially determines that the late filing was not willful and that the purposes of the act would not be best served by imposing the fine [57]. Liability may not, however, be waived if the required filing is not made within five days after receiving written notice of the filing requirements from the secretary of state [58].

IX. REGULATORY AGENCIES

A. Secretary of State. The secretary of state serves as the filing officer, and is to inspect each statement filed with that office within two days after filing [59]. The secretary of state is also required to inspect all filed reports within three months after the election to determine whether the reports conform to law and may require any person to answer in writing and under oath concerning the source of any contribution [60]. Written complaints alleging reporting violations may be filed with the secretary of state [61], who must then conduct an investigation of the complaint [62].

B. Attorney General and Prosecuting Attorney. The attorney general or the appropriate prosecuting attorney is empowered to prosecute any violations of the Sunshine Law [63].

REFERENCES

1. Idaho Code (hereafter IC) § 67-6602(c)
2. IC § 67-6602(c)
3. IC § 67-6602(c)
4. IC § 67-5303
5. P.T. Cenarrusa, The 1986 Campaign Finance Disclosure Manual for Candidates and Political Committees (hereafter Disclosure Manual) 2 (1986)
6. IC § 67-6605(a)
7. IC § 67-6605(b)
8. IC § 67-5311(1)(b)
9. IC § 67-5311(2)(h)
10. IC § 67-6606(2)
11. IC § 67-6603(c)(2)
12. IC § 67-6603(c)(1)
13. IC § 67-6614
14. IC § 67-6610(b)
15. IC § 67-6602(f)
16. IC § 67-6602(f)
17. Disclosure Manual 2
18. IC § 67-6614
19. IC § 67-6607
20. IC § 67-6602(m)
21. IC § 67-6607(a)
22. Opinions of the Idaho Attorney General (hereafter Op. Att'y Gen.) 77-29 at 2
23. Op. Att'y Gen. 77-29 at 5
24. IC § 50-477
25. IC § 67-6613
26. IC §§ 34-2504(a), 67-2001
27. IC § 34-2504(a)
28. IC § 34-2504(a)(2)
29. IC § 67-6607(a)(1)
30. IC § 67-6607(a)(2)
31. IC § 67-6607(a)(3)
32. IC § 67-6607(a)(4)
33. IC § 67-6611
34. Disclosure Manual 1
35. IC § 67-6612(a)(1)
36. IC § 67-6612(a)(1)
37. IC § 67-6612(a)(1)
38. IC § 67-6612(a)(2)
39. IC § 67-6612(a)
40. IC § 67-6612(a)
41. IC § 67-6612(a)
42. Disclosure Manual 10
43. IC § 67-6609
44. IC § 34-2503(a)
45. IC § 34-2503(b)
46. IC § 34-2503(b)
47. IC § 34-2503(b)
48. IC § 34-2503(c)
49. IC § 63-3088(a)
50. IC § 63-30248
51. IC § 67-6608(a)
52. IC § 67-6608(a)
53. Disclosure Manual 12; Op. Att'y Gen. 77-29 at 2, 7
54. IC § 67-6625(a)
55. IC § 67-6625(b)
56. IC § 67-6625(d)
57. IC § 67-6625A
58. IC § 67-6625A
59. IC § 67-6615
60. IC § 67-6616
61. IC § 67-6615
62. IC § 67-6623
63. IC § 67-6625(c)

CAMPAIGN FINANCE LAW
IN ILLINOIS

I. INTRODUCTION

Illinois requires all political committees to file information on all contributions in a single report before and after any election, and information on contributions and expenditures must be filed in an annual report. There are no limits on contribution amounts, but contributions by government employees are generally prohibited, as are anonymous contributions. Illinois offers no tax incentives for political contributions nor a mechanism for public financing of election campaigns. The Illinois State Board of Elections is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value knowingly received in connection with the nomination or election of any person to public office, or in connection with any question of public policy [1]; the purchase of tickets for fundraising events, including, but not limited to, dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election, or election, of any person to public office, or in connection with any question of public policy [2]; a transfer of funds between political committees [3]; and the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer [4].

A contribution does not include individual services provided voluntarily and without promise or expectation of compensation from any source [5]; the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities that do not exceed an aggregate of $150 in a reporting period [6]; or the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge for use in a candidate's campaign is at least equal to the vendor's cost [7].

B. Limitations on Nature of Contributions. No contribution may be accepted or made by, or on behalf of, a political committee when there is a vacancy in the office of chairman or treasurer [8]. All funds of a political committee must be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee [9]. No person may make an anonymous contribution or knowingly accept an anonymous contribution [10]. An anonymous contribution is one for which the contributor is unknown, unnamed, or the source of origin cannot be determined [11]. An anonymous contribution must escheat to the state, and any political committee that receives such a contribution must forward it immediately to the state treasurer [12]. Escheat is considered to be penal in nature [13]. No person may make a contribution in the name of another, and no person shall knowingly accept a contribution made by one person in the name of another person [14]. There is no statutory remedy for contributions made by one person in the name of another [15].

Every person who receives a contribution in excess of $20 for a political committee must, on demand of the treasurer, and in any event within five days after receipt of the contribution, render to the treasurer a detailed account, including the amount, name, and address of the person making the contribution, and the date on which it was received [16].

Any political committee which solicits or receives contributions on behalf of any candidate that is not authorized, in writing, by the candidate to do so must include a notice on the face or front page of all literature and advertisements published, and following all commercials broadcast, in connection with the candidate's campaign by the committee or on its behalf, stating that the committee is not authorized by the candidate and the candidate is not responsible for the activities of the committee [17].

C. Limitations Pertaining to Government Employees. No person may solicit, orally or by letter, or be in any matter concerned in soliciting any assessment, contribution, or payment for any party or any political purpose from any officer or employee of the state university civil service [18], and no person may, in any room or building occupied for the discharge of official duties by any officer or employee of the university civil service, solicit orally or by written communication delivered in the public offices, or in any other manner, or receive any contribution of money or other thing of value for any party or political purpose from any university civil service office or employee [19]. No officer, agent, clerk, or state employee who has charge or control of any government building, office, or room may permit any person to enter the premises to solicit or deliver written solicitations, or to receive from, or give notice to, any university civil service officer or employee [20].

No officer or employee of the state may discharge, degrade, promote, or in any other manner change the official rank or compensation of any university civil service officer or employee, or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose [21]. No applicant for appointment to the university civil service may pay or promise to pay, directly or indirectly, any money or other valuable thing for an appointment, proposed appointment, promotion, or proposed promotion [22].

All state merit employees are prohibited, during regular working hours, from soliciting money from any person for any political purpose [23]; selling tickets for political meetings [24]; using or threatening to use the influence or authority of the employee's position to coerce or persuade any person to follow any course of political action [25]; or making any contributions of money in behalf of any candidate for office or for any public or political issue [26]. Employees whose salaries are paid, in whole or in part, by federal funds and whose employment is subject to the federal standards for a merit system of personnel administration applicable to grant-in-aid programs, the prohibited political activities may not be engaged in at any time, whether during or outside of regular working hours [27]. No state merit employee is required, as a condition of employment or tenure, to make contributions in behalf of any political party or any candidate for political office [28].

No officer or employee of the Chicago Sanitary District is to solicit, orally or by letter, or give, receive, or be in any manner concerned in soliciting, giving, or receiving any assessment, subscription, or contribution from any member of the classified civil service for any party or political purpose [29]. The same prohibition applies to park district employees [30], and to employees of the park employees' and retirement board employees' annuity and benefit Fund [31]. No person may solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution, or payment for any party or political purpose from any officer or employee of the Chicago Sanitary District in the classified political service [32]. The same prohibition applies to park district employees [33], and those of the park employees' and retirement board employees' annuity and benefit fund [34].

No person, may in any room or building occupied for the discharge of official duties by any officer or employee in the sanitary district, solicit orally or by written communication delivered in the public office, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose, from any member of the classified civil service; and no officer, agent, clerk, or employee of the sanitary district who has charge or control of any sanitary district building, office, or room may permit any person to enter for the purpose of soliciting or delivering written solicitations for, receiving from, or giving notice to any member of the classified civil service of any political assessments [35]. The same prohibition applies to park districts [36], and the park employees' and retirement board employees' annuity and benefit fund [37].

No officer or employee of the sanitary district may, directly or indirectly, give or hand over to any officer or employee in the classified civil service, or to any senator, representative, alderman, councilman, or trustee any money or other valuable thing on account of, or to be applied to, the promotion of any party or political object [38]. No officer or employee of the park district may, directly or indirectly, give or hand over to any senator, representative, alderman, councilman, or park commissioner any money or other valuable thing on account of, or to be applied to, the promotion of any party or political object [39]. No officer or employee of the park employees' and retirement board employees' annuity and benefit fund may directly or indirectly, give or hand over to any officer in the classified civil service, senator, representative, alderman, councilman, park commissioner, or trustee any money or valuable thing on account of, or to be applied to, the promotion of any party or political object [40].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value in connection with the nomination for election, or election, of any person to public office, or in connection with any question of public policy [41].

An expenditure does not include the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities that do not exceed an aggregate of $150 in a reporting period [42]; the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge for use in a candidate's campaign is at least equal to the vendor's cost [43]; or a transfer of funds between political committees [44].

B. Limitations on Nature of Expenditures. No expenditure may be made by, or on behalf of, a political committee at a time when there is a vacancy in the office of chairman or treasurer [45]. No expenditure is to be made for, or on behalf of, a political committee without the authorization of its chairman or treasurer or their designated agents [46].

Any political committee which makes an expenditure on behalf of any candidate that is not authorized, in writing, by the candidate is to include a notice on the face or front page of all literature and advertisements published, and following all commercials broadcast, in connection with the candidate's campaign by the committee or on its behalf, stating that the committee is not authorized by the candidate and the candidate is not responsible for the committee's activities [47].

No public funds appropriated by the Illinois General Assembly, or by any subdivision of the state [48], is to be used to urge any elector to vote for, or against, any candidate or proposition, or to be appropriated for political or campaign purposes to any candidate or political organization [49].

IV. REPORTING REQUIREMENTS

A. Committees Required to Report. Reports are required of all local political committees, state political committees, and other political committees.

A local political committee is a candidate or any individual, trust, partnership, committee, association, corporation, or group of persons which accepts contributions or grants, or makes expenditures during any 12-month period in an aggregate amount exceeding $1,000 on behalf of, or in opposition to, a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the county clerk [50]; accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $1,000 in support of, or in opposition to, any question of public policy to be submitted to the electors of not more than one county [51]; or accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $1,000 and has as its primary purpose the furtherance of governmental, political, or social values, is organized on a not-for-profit basis, and which publicly endorses or opposes a candidate or candidates for public office who are required to file statements of economic interest with the county clerk [52]. A state political committee has the same characteristics, except it covers candidates who must file statements of economic interest with the secretary of state [53], and the aggregate threshold amount of contributions or expenditures is $3,000 in support of, or in opposition to, any question of public policy that is to be submitted to the electors of an area encompassing more than one county [54].

A political committee includes state and county political party central committees, and also includes state and local political committees, but does not include any candidate who does not accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding $1,000, nor does it include, with the exception of state and county political party central committees, any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which does not accept contributions or make expenditures during a 12-month period in an aggregate amount exceeding $1,000 on behalf of, or in opposition to, a candidate or candidates, or to any question of public policy to be submitted to the electors of an area encompassing no more than one county (or $3,000 in support of, or in opposition to, any question of public policy to be submitted to the electors of an area encompassing more than one county), and such candidates and persons are not required to comply with any filing provision [55].

B. Registration. Every state political committee, and every committee that acts as both a state and local political committee, must file with the state board of elections, and every local political committee must file with the county clerk, a statement of organization within 30 days of the creation of the committee [56]. A political committee that acts as both a state and local political committee must file a copy of each statement of organization with the county clerk [57]. The statement of organization must include the political committee's name and address [58]; the scope, area of activity, party affiliation, candidate affiliation and the candidate's county of residence, and the committee's purposes [59]; the names, addresses, and positions of each custodian of the committee's books and accounts [60]; the names, addresses and positions of the committee's principal officers, including the chairman, treasurer, and officers and members of the finance committee, if any [61]; a statement whether the committee is a continuing one [62]; a statement of what specific disposition of residual funds will be made in the event of the dissolution or termination of the committee [63]; a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee [64]; and the amount of funds available for campaign expenditures as of the filing date of the statement [65]. The statement is to be signed and verified by either the treasurer or the candidate [66]. Any change in information must be reported within 10 days following the change [67].

C. Required Reports. The treasurer of every state political committee and the treasurer of every political committee that acts as both a state and local committee must file with the board, and the treasurer of every local political committee must file with the county clerk, reports of campaign contributions, and annual reports of campaign contributions and expenditures [68]. The treasurer of every political committee that acts as both a state political committee and a local political committee must file a copy of each report with the county clerk [69].

Reports of campaign contributions must be filed no later than the 15th day next preceding each election, including a primary election, and the 90th day next following each election, other than a primary, in connection with which the political committee has accepted or is accepting contributions, or has made or is making expenditures [70]. The report must be complete as of the 30th day next preceding each primary or general election, and the 60th day next following each election, other than a primary election, except that any contribution of $500 or more received between the last date of the period covered by the last report filed before the election and the date of the election must be reported within two business days after its receipt [71].

The treasurer of each political committee must also file an annual report of campaign contributions and expenditures during the month of July, not later than July 31st, covering the period from July 1st of the preceding calendar year through June 30th of the year in which the annual report is compiled [72]. The annual report of a political committee that is a regularly constituted state or county central committee, or in counties with a population of more than 3,000,000, a township or ward organization of a political party, may cover the last completed fiscal year of the committee [73].

D. Contents of Reports. Each report of campaign contributions must disclose the name and address of the political committee [74]; the committee's scope, area of activity, party and candidate affiliation, and purposes [75]; the amount of funds on hand at the beginning of the reporting period [76]; the full name and mailing address of each person who has made one or more contributions to or for the committee within the previous 12 months in an aggregate amount or value in excess of $150, together with the amount and date of the contributions [77]; the total sum of other individual contributions made to or for the committee during the reporting period [78]; the name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers [79]; each loan to or from any person within the previous 12 months by or to the committee in an aggregate amount or value in excess of $150, together with the full names and mailing addresses of any lender and endorsers, and the date and amount of the loans [80]; the total amount of proceeds received by the committee from the sale of tickets to fund-raising events [81], mass collections made at such events [82], and sales of items, such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar items [83]; each contribution, rebate, refund, or other receipt in excess of $150 not otherwise reported [84]; and the total sum of all receipts by or for the committee or candidate during the reporting period [85]. The reports must be cumulative during the fiscal year to which they relate, but where there has been no change in an item reported in a previous report during the year, only the amount need be carried forward [86]. Each report must be verified, dated, and signed by either the treasurer of the political committee making the report or the candidate on whose behalf the report is made [87].

Each annual report of campaign contributions and expenditures must disclose the same information required to be disclosed in a report of campaign contributions [88], and must also include the full name and mailing address of each person to whom expenditures have been made by the committee or candidate within the previous 12 months in an aggregate amount or value in excess of $150, the amount, date, and purpose of each expenditure, and the public policy question or name and address of, and office sought by, each candidate on whose behalf the expenditure was made [89]; the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $150 has been made, and which is not otherwise reported, including the amount, date, and purpose of the expenditure [90]; the total sum of expenditures made by the committee during the reporting period [91]; and the full name and mailing address of each person to whom the committee owes debts or obligations in excess of $150, and the amount of the debts or obligations [92]. Each report must be verified, dated, and signed by either the treasurer of the political committee making the report or the candidate on whose behalf the report is made [93].

The recording and disclosure provisions [94] cannot be enforced against a committee where evidence clearly establishes a pattern of harrassment and threats directed against supporters of the party by government and private individuals [95].

Any political committee which, after having filed a statement of organization, dissolves as a political committee or determines that it will no longer receive any campaign contributions nor make any campaign expenditures must notify the appropriate filing authority or authorities of that fact, and file a final report with respect to its contributions and expenditures, including the final disposition of its funds [96].

V. POST-ELECTION REQUIREMENTS

A. Disposition of Surplus Funds. Any political committee which dissolves must refund all contributions in its possession, after payment of the committee's outstanding liabilities, including staff salaries, to contributors in amounts not exceeding their individual contributions, or transfer the funds to other political or charitable organizations consistent with the positions of the committee or the candidates it represented [97]. In no case are these funds to be used for the personal aggrandizement of any committee member or campaign worker [98].

B. Recordkeeping. The treasurer must preserve all records and accounts required for a period of two years [99].

VI. OFFENSES AND PENALTIES

Willful failure to file or willful filing of false or incomplete required information constitutes a class B misdemeanor [100], with a fine not to exceed $500 or imprisonment in a penal institution, other than a penitentiary, for not more than six months, or both fine and imprisonment [101]. Willful filing of a false complaint also constitutes a class B misdemeanor [102]. Any person who alters or falsifies information on a copy of a statement or report obtained from the board or county clerk, and publishes, circulates, or distributes this information with the intent to misrepresent contributions received or expenditures made by a candidate or political committee must be guilty of a class B misdemeanor [103]. Failure to comply with a board order may result in a civil fine of not more than $1,000 [104].

A prosecution for any violation of the provisions governing disclosure of campaign contributions and expenditures must be commenced no later than 18 months after the commission of the offense [105].

The first time any person violates any provision of the law against use of public funds for political purposes, that person is guilty of a class B misdemeanor [106]. Upon the second or subsequent violation, the offender is guilty of a class A misdemeanor [107].

A violation of the prohibitions against political activity by state employees during working hours subjects the employee to discharge [108].

VII. REGULATORY AGENCIES

A. State Board of Elections. The state board of elections, an eight-member body [109] appointed by the Governor [110] and subject to the advice and consent of the state senate [111], has the authority to generally supervise the election laws [112]. Provisions are made for appointing members from opposite political parties and from geographically diverse parts of the state [113].

The board is required to develop the prescribed forms for notice to political committees of their obligations, and to supply the forms to the appropriate persons and election authorities [114]; to prepare, publish, and furnish to the appropriate persons and election authorities, a manual of instructions setting forth recommended uniform methods of bookkeeping and reporting [115]; to prescribe and publish necessary rules and regulations [116]; and to send by certified mail to certain committee chairmen notice of their obligations under the law [117]. The board is to make all reports and statements filed with it available for public inspection and copying, commencing as soon as practicable, but not later than the end of the second day following the day during which it was received, by hand or at cost by duplicating machine, at the request and expense of any person wishing to examine or copy reports [118]. The board must obtain, from each person examining a statement or report, a form identifying the examiner's name, date, occupation, address, and telephone number, and listing the date and reason for examination [119]. This information is to be promptly transmitted to the filer [120].

The board is also required to preserve all reports and statements for two years from receipt [121]; develop an appropriate filing, coding, and cross-indexing system [122]; compile and maintain a current list of all statements or parts of statements pertaining to each candidate [123]; prepare and publish such reports as appropriate [124]; and report apparent violations of law to the appropriate law enforcement authorities [125]. A receipt is required, and must be kept by the board for two years from the date it was received [126]. At least 30 days before each filing date for reports of campaign contributions and for annual reports of campaign contributions and expenditures, the board must send a notice of obligations and appropriate forms by first class mail to each political committee that has filed a statement of organization with the board [127]. The notice must contain a statement that the manual of instructions is available upon request [128].

The board may hold investigations, inquiries, and hearings concerning any matter involving the disclosure of campaign contributions and expenditures [129]. In the process of holding such investigations, inquiries, and hearings, the board may administer oaths and affirmations, certify to all official acts, issue subpoenas on a vote of five members of the board, compel the attendance and testimony of witnesses, and the production of papers, books, accounts, and documents [130]. Hearings are to be open to the public [131]. The board may hire investigators, examiners, and hearing examiners, and may delegate any of its functions to such persons, except that judgments and orders must be issued only by the board, and reports of violations must be made only by the board [132].

Any person who believes a violation of the campaign contribution and expenditure provisions has occurred may file a verified complaint with the board, directed to a candidate or the chairman or treasurer of a political committee, and must be in writing [133]; state the name of the candidate, chairman, or treasurer of a political committee against whom the complaint is directed [134]; state the statutory provisions alleged to have been violated [135]: and state the time, place, and nature of the alleged offense [136].

Upon receipt of a properly verified complaint, the board must hold a closed preliminary hearing to determine whether the complaint appears to have been filed on justifiable grounds [137]. For a complaint to be filed on justifiable grounds, there must be some preliminary showing that the complaint was based on reasonable grounds, and that the violations alleged were within the ambit of cognizance of the state board of elections [138]. The plaintiff must make allegations with some degree of substance that acts were performed which constituted violations [139]. The preliminary hearing must be held as soon as practicable after affording reasonable notice, a copy of the complaint, and an opportunity to testify to both the person making the complaint and the person against whom the complaint is directed [140]. If the board determines that the complaint has not been filed on justifiable grounds, it must dismiss the complaint without further hearing [141].

If the complaint is directed to an elected public official or to the chairman or treasurer of his political committee during a year in which that official is not seeking nomination for, election to, or retention in the same or another office, the board must render final judgment within 42 days of the date the complaint is filed [142]. If the complaint is directed to a candidate seeking nomination for, election to, or retention in public office, or to the chairman or treasurer of his political committee, the board must render final judgment within 21 days of the date the complaint is filed; except that during the 60 days preceding the date of the election in question, the board must render a final judgment within seven days of when the complaint was filed, and if the complaint is filed during the last seven days before the election, the board is to render judgment before the election, if possible [143]. Parties may also dispose of the complaint by written stipulation, effective only upon board approval [144].

Judicial review is available to any person adversely affected by a judgment of the board [145]. Judicial review must be afforded directly in the appellate court for the district in which the cause of action arose [146], and must be obtained by filing a petition for review within seven days after entry of the order or other action complained of [147]. The time limit for filing the petition for review may be waived with the consent of all parties [148], and if the petition for review is appealing an order of the board, the effect of the board must not be stayed unless the appellate court so orders upon the motion of the petitioner and prior notice to the board [149]. Findings of the state board of elections on questions of fact are prima facie true and correct, with review limited to a determination of whether the findings are against the manifest weight of the evidence [150].

Whenever the board has issued an order directing a person determined to be in violation of the law or any regulation to cease or correct the violation or otherwise comply, and the person fails or refuses to comply within the time specified by the board, the board, in rendering its final judgment may report the violation to the attorney general and the appropriate state's attorney [151], impose a civil penalty on such persons of not more than $1,000 [152], or both [153].

The board may also petition the circuit court to issue an order compelling compliance with a board order, or to restrain or prohibit violations [154]. If the court finds that it has jurisdiction over the person, and that a violation has occurred, or is occurring by reason of the acts or practices of the person, the court must issue the appropriate order [155].

B. County Clerk. The respective county clerks are to make the reports and statements filed with them available for public inspection and copying as soon as practicable, but not later than the end of the second day following the day during which it was received, and to permit copying by hand or at cost by duplicating machine at the requesting person's expense [156]. The clerk must require anyone copying or examining a statement or report to fill out the requisite form, and must then provide the political committee whose report was examined or copied of this fact [157].

The clerk is also required to preserve all reports and statements for two years from receipt [158]; develop an appropriate filing, coding, and cross-indexing system [159]; compile and maintain a current list of all statements or parts of statements pertaining to each candidate [160]; prepare and publish appropriate reports [161]; report apparent violations of law to the appropriate law enforcement authorities [162]; and provide each candidate, at the time of filing nomination papers, a notice of obligations, manual of instructions, and a sufficient supply of forms for the statements and reports required to be filed [163]. A receipt is required, and must be kept by the clerk for two years from the date it was received [164]. At least 30 days before each filing date for a required report, the clerk is to send each political committee filing a statement of organization with the clerk, a notice of obligations and appropriate forms by first class mail, and state that an instruction manual is available from the clerk upon request [165].

Only the county clerk of the county in which a candidate resides is required to provide materials to a candidate whose district lies in more than one county [166].

C. Attorney General or State's Attorney. The appropriate state's attorney or the attorney general must bring actions for willful failure to file or filing of false or incomplete information in the name of the people of the State of Illinois [167].

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CAMPAIGN FINANCE LAW IN INDIANA

I. INTRODUCTION

Indiana requires all political committees and any person making an independent expenditure to file information on all contributions and expenditures once annually, once before any election, and once after a convention. Any individual or entity, other than a corporation or labor union, may make unlimited contributions. A corporation or labor union is limited to contributions aggregating $5,000 for statewide candidates, $5,000 for state party central committees, $2,000 for other offices, and $2,000 for other party committees. Government employees may not solicit or receive contributions. Indiana offers no tax incentives for political contributions, but offers a mechanism for financing political parties through personalized license plate revenues. The Indiana State Election Board is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a gift, subscription, loan, advance, deposit of money, or anything of value made for the purpose of influencing the nomination or election of any person to office, the outcome of any question, or the election of delegates to a constitutional convention [1]; a contract, promise, or agreement to make a contribution for any such purpose [2]; funds received by a political committee which are transferred to that committee from another political committee [3]; and the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered without charge to influence a nomination, election, or outcome of a question [4].

A contribution does not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee [5], and does not include administrative costs of political action committees [6].

B. Limitations on Nature of Contributions. All contributions are required to be made through the committee treasurer [7], and a committee cannot receive contributions without a duly appointed treasurer [8]. The treasurer is required to keep detailed records of all contributions, including names and addresses of those making aggregate contributions of more than $25, and the date and amount of the contribution [9]. Contributions may only be made to a political committee or its authorized agent [10]. Contributions in the name of another are prohibited [11].

C. Limitations on Amounts of Contributions. Corporations and labor organizations are limited to total political contributions, in any calendar year, of an aggregate of $5,000 for statewide candidates [12]; an aggregate of $5,000 for the political party state central committees [13]; an aggregate of $2,000 for non-statewide office elections [14]; and an aggregate of $2,000 for non-state central party committees [15]. These are the only corporate or labor organization contributions authorized by law, and these limits cannot be evaded by giving to a committee, nominally in one category, funds designated for another category [16]. Contributions by political action committees associated with these entities are not limited [17]. The limitations do not apply to nonpartisan voter registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and employees, or by a trade association or labor organization aimed at its members [18]. The amount of administrative funding provided by a corporation or labor organization to its own political action committee (separate segregated fund) is also not limited under the contribution provisions [19].

Contributions by national party or national party congressional committees to state, district, county, city, or town political party committees are specifically permitted [20].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a purchase, payment, distribution, loan, advance, deposit, gift of money, or anything of value made for the purpose of influencing the nomination or election of any person to office, the outcome of any question, or the election of delegates to a state constitutional convention [21]. An expenditure includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure [22]; and a transfer of funds by a political committee to another political committee [23].

B. Limitations on Nature of Expenditures. The treasurer is the only person permitted by law to disburse money received by the committee [24], and the committee may not make expenditures in the absence of a treasurer [25]. The treasurer must keep a detailed accounting of all committee expenditures, including names, addresses, occupations, and principal place of business of anyone receiving an aggregate amount or value of more than $100, and the date and amount of the contribution [26]. If an expenditure is made on behalf of a candidate, the candidate's name, address, and office sought are to be reported; for questions, a record must be maintained identifying the question for which the expenditure was made [27]. Proof of payment and a record of particulars must also be maintained by the treasurer for all political committee expenditures in excess of $25, or, if aggregate payments to the same person exceeds $25 in a calendar year, any expenditures [28].

IV. REPORTING REQUIREMENTS

A. Registration. Every political committee is required to file a statement of organization within 10 days after its organization or after it becomes a political committee [29], which includes the committee's name, address [30], and purpose [31]; the names and addresses of the committee's chairman and treasurer [32]; a listing of all banks, safety deposit boxes, and other repositories used [33]; and, if applicable, a listing of the name, address, office sought, and party of each candidate supported; the party name, if the committee is supporting an entire ticket; and a brief statement of any questions supported or opposed [34].

Within 30 days after becoming a candidate, each candidate must file a statement naming his principal committee and campaign chairman and treasurer [35]. Failure to file the statement results in a committee name being designated by statute, with the candidate serving as chairman and treasurer [36].

Non-candidate treasurers must execute bond of at least $500 to the state, conditioned upon faithful performance of duties [37].

Changes in information in statements of organizations must be reported to the board within 10 days after the change [38].

B. Reporting by Candidates and Committees. Political committees are required to file annual reports. These reports are due by January 15th of each year, and must be current through December 31st [39]. Annual reports of political party committees are not due until March 2nd [40].

All political committees and candidates must file reports with the appropriate office not later than eight calendar days before the election or nominating convention (for hand-delivered reports), or, if reports are mailed, they must be postmarked not later than 10 days before the election or convention [41]. The reports must be complete as of 25 days before the election, or, in the case of an office whose nominee is chosen at a nominating convention, 25 days prior to the state convention [42]. If a candidate in a state convention becomes a candidate after the filing deadline for convention candidates, reports are due within 20 calendar days after the state convention [43]. For any calendar year in which a candidate does not appear on the ballot for state or local office or stand for nomination of any caucus or state convention, the candidate is only required to file an annual report [44]. If any political committee disbands, a final report, complete as of the last day of the committee's existence, must be filed [45].

Candidates for the U.S. House of Representatives or the U.S. Senate may file, with the state election board, duplicates of the reports that they are required to file under federal law [46].

C. Reporting by Individuals. Every individual; business, labor, religious or political organization; trustee; receiver; or any other organization, association, cooperative, or group of persons who makes a purchase, payment, distribution, loan, advance, deposit, gift of money, or anything of value, or a contract, promise, or agreement to make an expenditure to influence an election within a calendar year is also required to file reports with the state election board on the same schedule as political committees [47]. No report is required if the contribution is made to the candidate or political committee.

D. Report Contents. Each report is filed by the committee treasurer, and must include information on the cash on hand at the beginning of the reporting period [48]; the sum of individual contributions and all receipts received [49]; names and addresses of those making aggregate contributions of at least $100 (or in aggregate of $200 in actual value for contributions to political party committees), along with dates and amounts [50]; the name and address of each political committee from which the reporting committee received (or to which that committee made) any transfer of funds, along with the dates and amounts [51]; loan amounts and dates, along with names and addresses of the lender and any endorsers [52]; name, address, occupation, and principal place of business of each person to whom any expenditure was made by, or on behalf of, the committee aggregating $100 or more in value or amount (or $200 in the case of a political party committee), along with the amount, date and purpose of each expenditure, the name and address of, and question or office sought by the candidate(s) on whose behalf the expenditure was made [53]; the name, address, occupation, and principal place of business of each person receiving an aggregate amount or value more than $100 (or in excess of $200 for political party committees) for personal services, salaries, or unreimbursed expenses, along with a notation of the date, amount, and purpose of the expenditure [54]; the sum of expenditures made by the committee during the reporting period [55]; and the amount and nature of debts and obligations owed by or to the committee, until the debts or obligations are extinguished [56]. All reports are cumulative during the calendar year [57]. If no contributions were received or expenditures made during the year, a statement to that effect must be filed [58]. All reports are to be attested to under oath [59].

E. Filing Officer. State and district political committees and their treasurers, state candidates, and candidates for federal office file reports with the state election board [60]. Each local political committee and its treasurers and each local candidate file reports with the county election board of each county with all or part of the appropriate district [61]. Each general assembly candidate political committee also files a duplicate copy of the report filed with the state election board with the county election board of the candidate's county of residence [62].

V. PUBLIC FINANCING

Indiana has a unique statutory scheme for distributing the revenues from personalized license plates to the political parties. Of the requisite fee for license plates, a certain amount after the deduction of normal registration costs is deposited by the state treasurer in a special fund to be distributed on a quarterly basis by the state auditor [63]. The state auditor is to distribute to any political party having at least five percent but less than one-third of the total vote of the state of all political parties in the last preceding general election for governor to the treasurers of the political parties [64]. The balance of the monies are to be distributed quarterly by the auditor in equal amounts to the treasurers of the state central committees of the two political parties casting the largest and next largest number of votes statewide for governor [65]. Within thirty days of receiving these funds, the state party treasurer must distribute to the treasurer of each county central committee of their party an amount equal to one-half of the second-tier, equal amount distributions to the two political parties collected from that county in that quarter [66].

VI. POST-ELECTION REQUIREMENTS

A. Recordkeeping. The committee treasurer shall preserve all required receipted bills for at least three years, or for one year from the date of disbandment of the committee [67].

B. Reporting. Within 30 days after a political committee is disbanded, the last person to be treasurer must file a final report complete as of the last day the committee existed, covering the period since the most recent report [68].

Within 30 days after leaving the office, the outgoing treasurer of a continuing committee must file a final report complete as of the last day he was treasurer, covering the period since the most recent report [69].

C. Disposition of Surplus Funds. A political committee, upon disbanding, may transfer any surplus of contributions, less expenditures, to one or more political party committees or to the state election board, unless otherwise provided by the political committee in its statement of organization [70].

VII. OFFENSES AND PENALTIES

Violations of contributions and expense provisions of the law are required to be reported by the appropriate election board to the appropriate prosecutor, the attorney general, and the alleged violator if any defects in reports are not corrected within five days of notice of delinquency, and may be forwarded to a grand jury [71]. Knowingly filing a fraudulent report is a class D felony [72], while failing to file a report with the proper office is a class A infraction [73]. Other reckless violations are classified class B misdemeanors [74].

VIII. REGULATORY AGENCIES

A. State Election Board. The state election board oversees the regulation of campaign finance in Indiana. The board develops and furnishes necessary forms [75]; publishes an information manual [76]; a filing, coding, and cross-indexing system for reports [77]; makes reports available for public inspection and copying at cost, as soon as practicable, but not later than the end of the second business day following the day received [78]; preserves reports for a period of three years from December 1st following the election to which they pertain, unless the records are in litigation [79]; and maintains an index of all statements [80]. The board is also to promulgate necessary regulations [81].

The state election board is also empowered to make field audits and investigations, and may request the assistance of the state board of accounts [82]. The board is to ascertain whether reports have been properly filed [83]; notify delinquent filers to correct defects within five calendar days after notice [84]; and publicly list all delinquent filers [85].

The board is to report violations of the law to the appropriate prosecuting attorney and to the attorney general, and may have the matter brought before a grand jury, furnishing all necessary evidence [86]. The board has subpoena power [87], may conduct hearings and investigations [88], and must seek an injunction after due notice and hearing to restrain any violation of the campaign finance laws [89]. Upon showing of cause, the injunction must be granted by the circuit or superior court [90].

B. County Election Board. The county election board in each county serves as the filing entity for local candidates [91]. The boards make the reports filed available for public inspection and copying at cost, as soon as practicable, but not later than the second day after the day received [92], and must preserve the reports for three years from December 1st following the election to which they pertain, unless the records are in litigation [93]. An index of statements is to be maintained [94].

The county election boards are to make necessary field audits and investigations, and may request the assistance of the state board of accounts [95]. The boards are to ascertain whether reports have been properly filed [96]; notify delinquent filers to correct defects within five calendar days after notice [97]; and publicly list all delinquent filers [98].

The boards are to report violations of the law to the appropriate prosecuting attorney and to the attorney general, and may have the matter brought before a grand jury, furnishing all necessary evidence [99]. The boards have subpoena power [96], may conduct hearings and investigations [97], and must seek an injunction after due notice and hearing to restrain any violation of the campaign finance laws [98]. Upon showing of cause, the injunction must be granted by the circuit or superior court [99].

C. State Treasurer and State Auditor. The state treasurer and the state auditor are respectively responsible for the maintenance and distribution of funds to the political parties from the personalized license plate revenue fund [104].

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58. IC § 3-4-6-11
59. IC § 3-4-6-13
60. IC § 3-4-6-1(a)
61. IC § 3-4-6-1(b)
62. IC § 3-4-6-1(b)
63. IC § 9-7-5.5-8(a)
64. IC § 9-7-5.5-8(a)(1). See, Libertarian Party v. Packard, 741 F.2d 981 (7th Cir. 1984).
65. IC § 9-7-5.5-8(a)(2)
66. IC § 9-7-5.5-8(c)
67. IC § 3-4-2-21
68. IC § 3-4-6-6
69. IC § 3-4-6-7
70. IC § 3-4-2-10
71. IC §§ 3-43-5-12; 3-4-5-13
72. IC § 3-4-6-17(a)
73. IC § 3-4-6-17(b)
74. IC § 3-4-6-17(c)
75. IC § 3-4-5-1
76. IC § 3-4-5-2
77. IC § 3-4-5-3
78. IC § 3-4-5-4
79. IC § 3-4-5-5
80. IC § 3-4-5-6
81. IC § 3-4-5-14
82. IC § 3-4-5-11
83. IC § 3-4-5-12(a)
84. IC § 3-4-5-12(b)
85. IC § 3-4-5-12(c)
86. IC § 3-4-5-13
87. IC § 3-4-5-16
88. IC §§ 3-43-5-17; 3-4-5-18
89. IC § 3-4-5(18)
90. IC § 3-4-5(18
91. IC § 3-4-6(1)(b)
92. IC § 3-4-5-4
93. IC § 3-4-5-5
94. IC § 3-4-5-6
95. IC § 3-4-5-11
96. IC § 3-4-5-12(a)
97. IC § 3-4-5-12(b)
98. IC § 3-4-5-12(c)
99. IC § 3-4-5-13
100. IC § 3-4-5-16
101. IC §§ 3-4-5-17; 3-4-5-18
102. IC § 3-4-5-18
103. IC § 3-4-5-18
104. IC § 9-7-5.5-8(a)

CAMPAIGN FINANCE LAW
IN IOWA

I. INTRODUCTION

Iowa requires all candidates and committees receiving contributions or making expenditures in excess of $250 to file information on all contributions and expenditures twice annually in non-election years (for candidates only), and four times during an election year. Contributions are unlimited for all individuals and non-corporate entities; corporate contributions and anonymous contributions are prohibited. Iowa offers a $1 tax checkoff ($2 for a joint return), with funds distributed to the political party designated by the taxpayer. The campaign finance disclosure commission is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution includes a gift, loan, advance, deposit, rebate, refund, or transfer of money or gift in-kind [1], and the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee for any such purpose [2].

A contribution does not include services provided without compensation by individuals volunteering their time on behalf of a candidate's committee, political committee, or a state or county statutory political committee, except when organized or provided on a collective basis by a business, trade association, labor union, or any other organized group or association [3]. A contribution does not include refreshments, not exceeding $50 in value, served at a campaign function or transportation provided to a candidate, as long as its value (computed at a rate of 20¢ per mile) does not exceed $100 in value, in any one reporting period [4].

B. Limitations on Nature of Contributions. Iowa law prohibits a person from making a contribution or expenditure in the name of another person, and a person must not knowingly accept a contribution or expenditure made by one person in the name of another [5]. Any funds from an unknown or unidentifiable source received by a candidate or committee must escheat to the state [6]. Any candidate or committee receiving such contributions must remit such contributions to the state comptroller for deposit in the general fund of the state [7]. The good faith collection of donations voluntarily made to a candidate or committee, such as a "pan the hat" or "can collection," must not be construed as an anonymous donation if, attached to each collection container or prominently displayed in the immediate vicinity, there is a written statement to the effect that a contribution in excess of $10 is illegal unless the contributor provides his or her name, address, and the amount of the contribution [8], and the name of the person organizing or coordinating the freewill donation, and the name, date, and location of the event are recorded [9]. If the total amount collected exceeds the reporting amount specified for each candidate, committee, or issue, the freewill donation organizer or coordinator must be identified by name or address on the appropriate report [10].

Before an Iowa committee accepts a contribution from a committee outside of Iowa, the Iowa committee must contact the campaign finance disclosure commission to determine if the out-of-state committee has submitted a statement of organization and appropriate disclosure reports to the commission [11]. An Iowa committee may not accept a contribution from an out-of-state committee which has not filed a statement of organization and appropriate disclosure reports with the commission [12].

C. Contributions and Solicitations by Certain Regulated Industries and Corporations. It is lawful for an insurance company, savings and loan association, bank, credit union, and any for-profit or not-for-profit corporation, and for their officers, agents, and representatives, to use the money, property, labor, or any other thing of value of the entity, for the purposes of soliciting its stockholders, administrative officers, and members for contributions to a committee sponsored by the entity, and of financing the administration of a committee sponsored by that entity [13]. The entity's other employees may voluntarily contribute to such a committee, but shall not be solicited for contributions [14]. A member of a committee, committee employee, committee representative, or a candidate for office or the candidate's representative may lawfully solicit, request, and receive money, property, and other things of value from a lawfully-organized committee sponsored by an insurance company, savings and loan association, bank, credit union, or corporation [15].

It is unlawful for an insurance company, savings and loan association, bank, credit union, or corporation, or an officer, agent, or representative acting for such an entity, to contribute any money, property, labor, or thing of value, directly or indirectly, to a committee, or for the purpose of influencing the vote of an elector, except in connection with a utility franchise election or a ballot issue [16].

It is unlawful for a member of a committee, or its employees or representatives, except a ballot issue candidate, a candidate for office, or a representative of the candidate, to solicit, request, or knowingly receive from an insurance company, savings and loan association, bank, credit union, or corporation, or its officers, agents, or representatives, any money, property, or thing of value belonging to the entity for the purpose of influencing the vote of an elector [17]. This restriction does not restrain or abridge the freedom of the press, nor prohibit the consideration or discussion in the press of candidacies, nominations, public officers, or public questions [18].

The restrictions on an insurance company, savings and loan association, bank, credit union, or corporation relative to making, soliciting, or receiving contributions does not apply to a not-for-profit corporation or organization which uses those contributions to encourage registration of voters and participation in the political process, or to publicize public issues, or both, but does not use any part of those contributions to endorse or oppose any candidate for public office, or support or oppose ballot issues [19].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditures. Iowa law does not explicitly define an expenditure.

B. Limitations on Nature of Expenditures. Each committee is required to appoint a treasurer [20]. An expenditure must not be made by the treasurer or treasurer's designee for, or on behalf of, a committee without the approval of the chairman of the committee or the candidate [21].

C. Permissible Expenditures by Candidates and Committees Receiving Public Funds. Any statutory political committee or eligible candidate for partisan public office, receiving income tax checkoff funds, is subject to restrictions on types of expenditures [22]. Any expenditure from the Iowa election campaign fund must be for legitimate campaign expenses [23]. Legitimate expenses include radio, television, and newspaper advertising for the party or a general election candidate [24]; leaflets, fliers, buttons, and stickers for the party or a general election candidate [25]; party staff and general election campaign staff salaries, fringe benefits, and applicable payroll taxes [26]; travel, lodging, and food expenses for party staff and a general election campaign candidate and staff [27]; travel, lodging, food, and expenses for a public official who promotes party activities or travels with a general election candidate to a campaign activity, provided that the expenses are not intended to promote the primary election candidacy of any person or persons seeking public office [28]; a direct or in-kind contribution to the political committee of a state political party or general election candidate [29]; building costs, utilities, and maintenance for the office locations of a state political party or a general election candidate [30]; expenses of the office operations of the political parties, including printing and copying charges, postage costs, telephone charges, computer services, bank charges, election records, parking costs, and miscellaneous office supplies, provided that expenses are not intended to promote the primary election candidacy of any person or persons seeking public office [31]; payment for contract services for projects of the political parties, if the project is for general election purposes [32]; party expenses for the initial recruitment of candidates for public office by the political parties [33]; and expenses for volunteer activities, meeting costs, and fundraising costs, provided that the expenses are not intended to promote the primary election candidacy of any person or persons [34].

D. Prohibited Expenditures by Candidates and Committees Receiving Public Funds. Iowa election campaign funds distributed to a statutory political committee must not be used to support or oppose the nomination of any candidate [35]. An expenditure from the Iowa election campaign fund which is intended to promote the primary election candidacy of a person or persons seeking public office is prohibited [36]. Use of the Iowa election campaign fund to pay indebtedness of any party, incurred to promote the primary election candidacy of a person or persons seeking public office, is also prohibited [37]. However, Iowa election campaign funds may be used by a statutory committee to pay expenses incurred in arranging and holding a nominating convention [38]. The Iowa campaign fund may not be used to purchase any item the use of which, or benefit derived therefrom, extends beyond the time within which those funds may be spent [39]. Any leased item may not be paid for with Iowa election campaign funds after the time limit for spending those funds has expired [40]. Any item purchased or acquired by a prepaid lease which extends beyond the time limits for spending Iowa election campaign funds must be considered to be unspent funds, and must revert to the general fund [41]. All expenditures of Iowa election campaign funds by political parties and candidates, between the day following a general election and the date on which the funds revert to the general fund, must be for encumbrances that existed on election day [42].

IV. REPORTING REQUIREMENTS

A. Registration. A statement of organization is to be filed by every committee, other than a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than $250 in any one calendar year, for the purpose of supporting or opposing a candidate for public office or ballot issue, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional association which makes contributions in the aggregate of $250 in any one calendar year, for the purpose of supporting or opposing a candidate for public office [43]. A candidate's committee which receives contributions, expends funds, or incurs indebtedness in excess of $250, in any calendar year, on behalf of the candidate must also file a statement of organization [44].

The statement of organization must include the committee's name and mailing address [45]; the name, mailing address, and position of the committee officers [46], and their telephone numbers [47]; the name, address, office sought, and the party affiliation of all candidates whom the committee is supporting, and, if the committee is supporting the entire ticket of any party, the name of the party [48]; and the disposition of funds that will be made in the event of dissolution of the committee, if the committee is not a statutory committee [49]. The treasurer must also sign a statement, stating that "I am aware that I am required to file disclosure reports if the committee receives contributions, makes expenditures, or incurs indebtedness in excess of $250 in a calendar year for the purpose of supporting or opposing any candidate for public office or ballot issue," as part of the statement of organization [50]. Any change in information previously submitted in a statement of organization or notice in case of dissolution of the committee, must be reported to the campaign finance disclosure commission or appropriate county auditor/election commissioner not more than 30 days from the date of the change or dissolution [51].

B. Place of Filing. All statements and reports for a state office are to be filed with the commission [52]. All statements and reports for a county, city, or school office are to be filed with the county auditor/county election commissioner [53]. A statement or report on a ballot issue must be filed with the county auditor/county election commissioner responsible for conducting the election at which the issue is voted upon, except that a statement or report on a statewide ballot issue must be filed with the commission [54]. A state statutory political committee must file all statements and reports with the commission, while all other statutory political committees must file the statements and reports with the county auditor/county election commissioner, with a copy sent to the commission [55]. A political committee supporting or opposing candidates, for both federal office and any elected office created by law or the Constitution of the State of Iowa, must file statements and reports with the commission in addition to any federal reports required to be filed with the secretary of state [56]. A political committee supporting or opposing candidates or ballot issues for statewide elections and for county, municipal, or school elections may file all activity on one report with the commission, and must send a copy to the county auditor/county election commissioner responsible for conducting the election [57].

C. Filing Deadline. The treasurer of each committee, except those committees for municipal and school elective offices and for local ballot issues, must file four required disclosure reports by May 20th, July 20th, October 20th, and January 20th annually [58]. A candidate's committee, in a year in which the candidate is not standing for election, is not required to file the May and July reports [59]. The January report serves as the annual report covering activity through December 31st of the preceding year, while the other reports must be current as of five days prior to the filing deadline [60]. A report is timely if received on the due date, which is extended to the next working day if it falls on a weekend or holiday, or if mailed and bears a U.S. Postal Service postmark dated on or before the 19th of the respective month [61]. Private postage meters are not permitted by law as proof of timely filing [62].

A supplemental disclosure report must be filed in a year in which a primary, general, or special election is held, if the committee for a statewide candidate receives $10,000 or more, or if the committee for a general assembly candidate receives $2,000 or more after the close of the last disclosure report filed prior to that primary, general, or special election [63]. The amount of contributions triggering a supplemental report to be filed must include loans, cash contributions, and the estimated fair market value of in-kind contributions [64]. These supplemental reports must be filed by the Friday immediately preceding the respective election, and be current through the Tuesday immediately preceding that election [65].

A candidate's committee for a candidate for the general assembly at a special election must file a disclosure report by the 14th day prior to the special election, which is current through the 19th day prior to the special election [66]. The committee will file subsequent disclosure reports on dates applicable to other general assembly candidates' committees [67].

A committee for a municipal or school elective office, or any group of citizens or entity that takes a position on a question placed before the voters, must file its first report five days prior to any election in which the name of the candidate or the local ballot issue, which it supports or opposes, appears on the printed ballot, and must file its next report on the first day of the month following the final election in a calendar year in which the candidate's name or the ballot issue appears on the ballot [68]. A disclosure report is required on the first day of every month until the committee is dissolved [69]. Reports must be current to five days prior to the filing deadline [70].

A state statutory political committee or a congressional district committee, as authorized by the constitution of the state statutory political committee, is not required to file a state disclosure report if the committee files copies of campaign disclosure reports as required by federal law with the commission, at the times the reports are required to be filed under federal law, provided that the federal reports contain all information required by the Iowa Campaign Finance Disclosure Act [71]. A committee of a national political party is not required to file a disclosure report with the commission, if it is required by federal law to file a campaign disclosure report with a federal agency [72].

D. Contents of Reports. Each report must disclose the amount of cash on hand at the beginning of the reporting period [73]; and the name and mailing address of each person who has made one or more contributions of money to the committee when the aggregate amount, in a calendar year, exceeds $200 for any committee of a national political party or state statutory political committee [74]; $100 for any candidate for Congress [75]; $50 for any county statutory political committee or any other political committee [76]; and $25 for any candidate for school or township office [77], city office [78], county office [79], general assembly [80], statewide office [81], or any ballot issue [82].

A contribution or sale at a fundraising event, which involves the sale of a product acquired at less than market value and sold for an amount in excess of the threshold for reporting the name and address of the contributor, is not considered as a contribution by the contributor for such threshold purposes, but rather must be designated separately [83]. The total amount of contributions made to the political committee during the reporting period, and not reported under the threshold provisions, must also be disclosed [84]. The name and mailing address of each person who has made one or more in-kind contributions to the committee, when the aggregate market value of the in-kind contribution in a calendar year exceeds the designated threshold, will be reported [85]. An in-kind contribution must be designated on a schedule separate from schedules showing contributions of money, and must identify the nature of the contribution and provide its estimated fair market value [86]. Each loan to any person or committee within the calendar year, in an aggregate amount in excess of the threshold amounts, must be disclosed, together with the name and mailing address of the leader and endorsers, the date and amount of each loan received, and the date and amount of each loan repayment [87]. Loans received and loan repayments must be reported on a separate schedule [88].

The name and mailing list of each person to whom a disbursement or loan repayment has been made by the committee from contributions during the reporting period, and the amount, purpose, and date of each disbursement must also be disclosed, except that a disbursement of less than $5 may be shown as a miscellaneous disbursement, if the aggregate miscellaneous disbursements, to any one person during a calendar year do not exceed $100 [89]. The amount and nature of debts and obligations owed in excess of the threshold amounts must also be disclosed, although a loan made to a committee in excess of the threshold amount that is reported, is not considered a debt or obligation in this context [90]. A loan made by a committee to any person is considered a disbursement [91]. The aggregate amounts received by a candidate or officeholder, in any form of honorarium in excess of the threshold, must be disclosed [92].

If no contributions have been accepted, no disbursements made, or no indebtedness incurred during the reporting period, the treasurer of the committee must file a disclosure statement which shows only the amount of cash on hand at the beginning of the reporting period [93].

If any committee, after having filed a statement of organization or one or more disclosure reports, dissolves or determines that it shall no longer receive contributions or make disbursements, the treasurer of the committee must notify the commission or appropriate county auditor/county election commissioner within 30 days following such dissolution by filing a dissolution report [94]. Moneys refunded in accordance with a dissolution statement must be considered a disbursement or expense, but the names of persons receiving refunds need not be released or reported, unless the contributors' names were required to be reported when the contribution was received [95].

A report or statement required to be filed by a treasurer of a political committee, a candidate, or by any other person, must be signed by the person filing the report [96], and a copy preserved by the person filing it, or that person's successor, for at least one year following the filing [97].

V. PUBLIC FINANCING PROVISIONS

A. Operation of the Iowa Election Campaign Fund. Iowa has an election campaign fund within the office of the treasurer of the state [98]. The treasurer maintains a separate account for each qualified political party, and the director of revenue remits funds collected to the treasurer for deposit in the appropriate account [99]. Interest income received by the treasurer from investment of moneys in the fund is deposited in the Iowa election campaign fund [100].

Upon the comptroller's receipt of the party's application for funds, the party may request the transfer of all, or any part, of the election campaign funds to which it is presently entitled [101]. However, the last claim voucher for a year in which a general election occurs should be submitted to the comptroller no later than November 25th [102]. The last warrant written by the comptroller in a general election should be issued to the political party no later than December 1st [103]. Money in the Iowa election campaign fund must be remitted to the party on the first business day of each month, by warrant of the state comptroller, drawn upon the fund in favor of the state chairperson of that party [104]. After making the last payment, the comptroller must accumulate any additional funds received by that office from the department of revenue, and must hold them for distribution for the next succeeding election [105].

B. Eligibility for Funding and Limitations on Expenditures. The money received by each political party must be used as directed by the party's state statutory committee [106]. Any candidate for non-federal public office may receive campaign funds from the Iowa election campaign fund through the state central committee of the candidate's political party [107]. A candidate for federal office and his candidate's committee may be eligible for money from the Iowa election campaign fund only if matching funds to pay a portion of their campaign expenses are not available to such candidates or their committees from the federal government [108]. All funds on account for the campaign expenses of any designated political party, which are not utilized by that political party by January 1st of the year following a general election, must revert to the general fund of the state [109].

The chairperson of the state statutory political committee must produce evidence to the state comptroller and campaign finance disclosure commission, not later than January 25th of each year, that all Iowa election campaign funds have been utilized exclusively for (legitimate) campaign expenses [110]. The chairperson of each political party receiving funds from the election campaign fund must provide invoices, canceled checks, or cash receipts for all state moneys used in the campaign [111]. All such funds must be maintained in a separate account [112].

Any statutory political committee or eligible candidate for partisan public office receiving income tax checkoff funds is subject to restrictions on types of expenditures [113]. Any expenditure from the Iowa election campaign fund must be for legitimate campaign expenses [114]. Legitimate expenses include radio, television, and newspaper advertising for the party or a general election candidate [115]; leaflets, fliers, buttons, and stickers for the party or a general election candidate [116]; party staff and general election campaign staff salaries, fringe benefits, and applicable payroll taxes [117]; travel, lodging, and food expenses for party staff and a general election campaign candidate and staff [118]; travel, lodging, and food expenses for a public official who promotes party activities or travels with a general election candidate to a campaign activity, provided that the expenses are not intended to promote the primary election candidacy of any person or persons seeking public office [119]; a direct or in-kind contribution to the political committee of a state political party or general election candidate [120]; building costs, utilities, and maintenance for the office locations of a state political party or a general election candidate [121]; expenses of the office operations of the political parties, including printing and copying charges, postage costs, telephone charges, computer services, bank charges, election records, parking costs, and miscellaneous office supplies, provided that expenses are not intended to promote the primary election candidacy of any person or persons seeking public office [122]; payment for contract services for projects of the political parties, if the project is for general election purposes [123]; party expenses for the political parties [124]; and expenses for volunteer activities, meeting costs, and fundraising costs, provided that the expenses are not intended to promote the primary election candidacy of any person or persons [125].

Iowa election campaign funds distributed to a statutory political committee must not be used to support or oppose the nomination of any candidate [126]. An expenditure from the Iowa election campaign fund which is intended to promote the primary election candidacy of a person or persons seeking public office is prohibited [127]. Use of the Iowa election campaign fund to pay indebtedness of any party, incurred to promote the primary election candidacy of a person or persons seeking public office, is also prohibited [128]. However, Iowa election campaign funds may be used by a statutory committee to pay expenses incurred in arranging and holding a nominating convention [129]. The Iowa campaign fund may not be used to purchase any item the use of which, or benefit derived therefrom, extends beyond the time within which those funds may be spent [130]. Any leased item may not be paid for with Iowa election campaign funds after the time limit for spending those funds has expired [131]. Any item purchased or acquired by a prepaid lease, which extends beyond the time limits for spending Iowa election campaign funds, must be considered to be unspent funds, and revert to the general fund [132]. All expenditures of Iowa election campaign funds by political parties and candidates, between the day following a general election and the date on which the funds revert to the general fund, must be for encumbrances that existed on election day [133].

Should the campaign finance disclosure commission and the state comptroller determine that any part of the funds have been used for noncampaign or improper expenses, they may order the political party or the candidate to return all, or any part, of the total funds paid to that political party for that election [134]. When such funds are returned, they must be deposited in the general fund of the state [135].

VI. TAX PROVISIONS

Iowa funds its election campaign fund through voluntary taxpayer checkoffs on state income tax returns [136].

Any person whose state income tax liability for any taxable year is $1 or more may direct that $1 of such liability to be paid over to the Iowa election campaign fund when submitting his state income tax return to the department of revenue [137]. In the case of a joint return of a married couple having a state income tax liability of $2 or more, each spouse may direct that $1 be paid to the fund [138]. The income tax form provides spaces on the face of the tax return, immediately above the signature lines, which the taxpayer may use to designate that contributions made under this section be credited to a specified political party, or to the Iowa election campaign fund as a contribution to be shared by all such political parties [139]. Any contribution directed to the Iowa election campaign fund by a taxpayer who does not designate any one political party to receive the contribution is to be divided, by the director of revenue, equally among each account currently maintained in the fund [140]. However, at any time when more than two accounts are being maintained within the fund, contributions to the fund by taxpayers who do not designate any one political party to receive their contributions is to be divided among the accounts in the same proportion as the number of qualified electors declaring affiliation with each political party for which an account is maintained bears to the total number of qualified electors who have declared an affiliation with a political party [141]. Before a checkoff may be permitted, all liabilities on the books of the department of revenue, accounts identified as owing, and non-election checkoffs permitted must be satisfied [142].

A person who directs that funds be paid over to a specified political party or to be shared by political parties may direct that an additional $2 be paid over to the choice made by that person [143]. The additional $2 must not be paid over from the person's tax liability but must be subtracted from any refund due on the return [144]. If no refund, or an insufficient refund is due on the return, the tax liability of the person must be increased by the balance of the additional $2 [145]. In the case of a joint return of husband and wife, each spouse may direct that an additional $2 be paid over to the choice made by that person [146]. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional $2 designated by each taxpayer, the amount designated must be reduced to the amount of refund or the amount remitted with the return that is greater than the taxes due [147].

A checkoff action taken by a person is irrevocable [148], and cannot be changed [149]. A checkoff once certified must not be rescinded if a taxpayer later amends his return to reduce his tax liability to zero [150]. A tax return which contains a political checkoff must be filed within 12 months after the close of the taxpayer's tax year for the checkoff to be counted [151].

VII. POST-ELECTION REQUIREMENTS

A committee must not dissolve until all loans, debts, and obligations are paid, forgiven, or transferred, and the remaining money in the account is distributed according to the organization statement [152]. If a loan is transferred or forgiven, the amount of the transferred or forgiven loan must be reported as an in-kind contribution and deducted from the loans payable balance on the disclosure form [153]. A statutory political committee granted inactive status must not solicit or expend funds in its name until the committee reorganizes and fulfills the requirements of a political committee [154]. When a permanent organization temporarily engages in an activity which would qualify it as a political committee and then ceases to be involved in the political activity, it must dissolve the political committee that it has organized [155].

In the case of Iowa election campaign funds, any funds on account for the campaign expenses of a designated party which are not utilized by that political party by January 1st of the year following a general election must revert to the general fund of the state [156].

VIII. OFFENSES AND PENALTIES

Action involving a contribution or expenditure that must be reported, and is taken by any person, candidate's committee or political committee on behalf of a candidate, if known and approved by the candidate, must be deemed action by the candidate [157]. A candidate is deemed to approve the action if the candidate had knowledge of it and failed to file a statement of disavowal with the commissioner or commission and take corrective action within 72 hours of the action [158].

Any person who willfully violates any provisions of the Campaign Finance Disclosure Act will, upon conviction, be guilty of a serious misdemeanor [159]. A violation of the restrictions on contributions by an insurance company, savings and loan association, bank, credit union, or corporation does not require willfulness in order for a person to be guilty of a serious misdemeanor [160].

A committee, except for supplemental and special election reports, is required to pay fines for late filed reports [161]. A first time delinquency, filed one through 14 consecutive days late, results in a $10 fine, while a subsequent delinquency by the same treasurer of a committee, within a 12-month period, requires a $25 fine [162]. A first-time delinquency 15 through 30 consecutive days delinquent will invoke a $25 fine, which is doubled to $50 for a repeat delinquency [163]. A first-time delinquency 31 through 45 consecutive days late results in a $50 fine, doubled to $100 if it is a repeat delinquency [164]. A report more than 45 days late, or a third time or more delinquency, are considered "extreme delinquencies," and are subject to review of the commission at a scheduled meeting [165]. The commission must determine if the extreme delinquency constitutes a willful and wanton violation, and may refer the violation to the county attorney, attorney general, or United States Attorney for action [166].

A statewide candidate's committee required to file a supplemental disclosure report is required to pay a $200 fine for filing a supplemental report one or more days delinquent [167]. A general assembly candidate's committee required to file a supplemental disclosure report must be required to pay a $100 fine for filing a supplemental report one or more days delinquent [168]. The committees of candidates to fill vacancies in a special election must be required to pay a $100 fine for filing the special election report one or more days delinquent [169].

A penalty must be paid to the Iowa Campaign Finance Disclosure Commission for deposit in the general fund of the state [170]. Payment may be made from the funds of the delinquent committee, from the personal funds of an officer of the committee, or in the case of a candidate, from the candidate's personal funds [171]. If a penalty payment is not received within 20 days after notification, the commission must file a complaint against the delinquent committee [172]. The commission may waive a penalty for late filing if there are mitigating circumstances, and a committee requests a waiver in writing [173].

IX. REGULATORY AGENCIES

A. Campaign Finance Disclosure Commission. The campaign finance disclosure commission, a five-member board appointed by the governor and subject to confirmation by the state senate, oversees the Campaign Finance Disclosure Act [174]. Not more than three of the members may be from the same political party [175]. A full-time executive secretary serves as the chief administrative officer [176]. The commission jointly administers the income tax checkoff with the Iowa State Comptroller and the Director of the Iowa Department of Revenue [177].

The commission is required to review the contents of all disclosure reports, and other statements filed with the commission, and promptly advise each committee of errors found [178]. The commission may verify information contained in the reports with other parties to assure accurate disclosure [179]. The commission may, upon its own motion, initiate action and conduct a hearing [180]. The commission may require the county auditor/county election commissioner to file summary reports with it periodically [181].

The commission also must prepare and publish a manual, setting forth examples of approved uniform systems of accounts for use by persons required to file statements and reports [182]; assure that the statements and reports which have been filed are available for public inspection and copying during the regular office hours of the commission and county auditors/county election commissioners [183]; determine, in the case of dispute, at what time a person has become a candidate [184]; and adopt rules and levy civil penalties to carry out the Act [185]. The commission is empowered to make declaratory rulings, upon written petition from a person or committee, that sets forth name and address of the requesting party, all pertinent facts and background information on the question presented, and the question to be answered [186]. The commission must consider the request within 45 days of receipt, but, if upon consideration of the petition the commission determines additional facts and information are required, it must, within one week, request the information in writing, and make a declaratory ruling within 45 days of receiving the information [187]. The declaratory ruling must be mailed to the person or committee requesting it within five days of its issuance [188].

Any eligible elector may file a complaint of an alleged violation with the commission [189] within one year after the date of the election to which the alleged violation relates [190]. The complaint must be verified and supported by an affidavit detailing the circumstances of the violation alleged [191]. The verified complaint and affidavit must be filed, in triplicate, on forms provided by the commission [192]. The commission may initiate action on its own motion by filing a complaint, accompanied by such an affidavit [193].

If the commission finds reasonable grounds to believe that the person, candidate, or committee has engaged in an act or practice which constitutes a violation of this chapter, the commission must report the suspected violation of law to the United States Attorney, the attorney general, or the county attorney, as the case may be, with a recommendation of appropriate action to be taken [194]. In the event the county attorney or attorney general does not initiate the recommended action within five days of receipt, or if he advises against prosecution of the report, the commission may take the report before any judge of the district court, who must determine if sufficient cause exists to warrant action [195]. If the judge of the district court finds that the report warrants prosecution, the county attorney or attorney general must immediately commence the action or disqualify himself [196]. In the event of disqualification, the commission may retain an attorney to represent it and commence the action [197].

B. Attorney General and County Attorney. Upon receipt of the report and recommendations of the commission, the county attorney or attorney general must review the report and recommendation, and within five days of receiving the report, institute the recommended actions and any other action for relief, including a permanent or temporary injunction, restraining order, or other appropriate remedy in the district court in and for the county in which the accused resides, or must advise the commission that in his judgment the case does not merit prosecution [198].

C. State Treasurer, Comptroller, and Director of Revenue. The state treasurer maintains the separate political party accounts within the Iowa election campaign fund [199]. The treasurer receives and deposits funds collected from the tax checkoff by the director of revenue [200]. The director of revenue is responsible for dividing undesignated checkoff funds between the parties, and for administering the checkoff [201]. The comptroller is required to draw warrants on the funds in favor of a political party upon application [202]. The state director of revenue, in cooperation with the state comptroller and the campaign finance disclosure commission, is responsible for administering the provisions of the fund, and for promulgation of all rules necessary to implement the Iowa election campaign fund [203].

D. County Auditor/County Election Commissioner. Each county auditor/county election commissioner must file a summary report of all candidates and all committees who have filed disclosure reports, statements of organization, or notices of dissolution [204]. Such summary reports must be mailed to the commission no later than the 15th day after each reporting period [205].

The county auditor/election commissioner must also provide the commission with information about delinquent filings, when requested, so that the commission may make appropriate contacts with the committees to obtain reports and assess civil penalties [206].

Each time a commissioner prints a ballot for an election, the commissioner must either submit to the commission a copy of the sample ballot, if it includes all candidates and ballot issues to be considered by the electorate in that particular election [207]; submit a list of all candidates and offices sought and ballot issues to be considered by the electorate in that particular election [208]; or submit a copy of the ballot and election information as published by the commissioner under §49.53 [209].

REFERENCES

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2. IC § 56.2(4)(b)
3. IC § 56.2(4)
4. IC § 56.2(4)
5. IC § 56.12
6. IC § 56.27
7. IC § 56.27
8. Campaign Finance Disclosure Commission Administrative Rules (hereafter Rules) § 190--4.15(56)(1)
9. Rules § 190--4.15(56)(2)
10. Rules § 190--4.15(56)(2)
11. Rules § 190--4.16(56)
12. Rules § 190--4.16(56)
13. IC § 56.29(3)
14. IC § 56.29(3)
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16. IC § 56.29(2)
17. IC § 56.29(3)
18. IC § 56.29(3)
19. IC § 56.29(4)
20. IC § 56.3(1)
21. IC § 56.3(1)
22. IC § 56.23
23. Rules § 190--2.6(56)
24. Rules § 190--2.6(56)(1)
25. Rules § 190--2.6(56)(2)
26. Rules § 190--2.6(56)(3)
27. Rules § 190--2.6(56)(4)
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29. Rules § 190--2.6(56)(6)
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31. Rules § 190--2.6(56)(8)
32. Rules § 190--2.6(56)(9)
33. Rules § 190--2.6(56)(10)
34. Rules § 190--2.6(56)(11)
35. IC § 56.22(2)
36. Rules § 190--2.4(56)
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44. IC §§ 56.5(1); 56.2(13)

45. IC § 56.5(2)(a)
46. IC § 56.5(2)(b)
47. Rules § 190--4.4(56)
48. IC § 56.5(2)(c)
49. IC § 56.5(2)(d)
50. IC § 56.5(2)(f)
51. IC § 56.5(3)
52. IC § 56.4
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58. IC § 56.6(1)(a)
59. IC § 56.6(1)(a)
60. IC § 56.6(1)(a)
61. IC § 56.6(1)(a); Campaign Finance Disclosure Commission, Checklist and Information for Political Action Committees (PACs) (hereafter PAC Checklist) 1 (1984)
62. PAC Checklist 1
63. IC § 56.6(b)
64. IC § 56.6(b)
65. IC § 56.6(b)
66. IC § 56.6(c)
67. Campaign Finance Disclosure Commission, Checklist and Information for Statewide and General Assembly Candidates 1 (1984)
68. IC § 56.6(1)(d); Campaign Finance Disclosure Commission, Checklist and Information for Local Ballot Issue Committees (hereafter Issues Checklist) 1 (1984)
69. IC § 56.6(1)(d); Issues Checklist 1
70. IC § 56.6(1)(d); Issues Checklist 1
71. IC § 56.6(1)(e)
72. IC § 56.6(1)(e)
73. IC § 56.6(3)(a)
74. IC §§ 56.6(3)(b)(7), (8)
75. IC § 56.6(3)(b)(5)
76. IC §§ 56.6(3)(b)(9), (10)
77. IC § 56.6(3)(b)(1)
78. IC § 56.6(3)(b)(2)
79. IC § 56.6(3)(b)(3)
80. IC § 56.6(3)(b)(4)
81. IC § 56.6(3)(b)(6)
82. IC § 56.6(3)(b)(11)
83. IC §§ 56.6(3)(b); 56.6(3)(f)
84. IC § 56.6(3)(c)
85. IC § 56.6(3)(d)
86. IC § 56.6(3)(d)
87. IC § 56.6(3)(e)
88. IC § 56.6(3)(e)
89. IC § 56.6(3)(g)
90. IC § 56.6(3)(h)
91. IC § 56.6(3)(h)
92. IC § 56.6(3)(j)
93. IC § 56.6(4)
94. IC § 56.6(2)
95. IC § 56.6(2)
96. IC § 56.7(1)
97. IC § 56.7(2)
98. IC § 56.19
99. IC §§ 43.2; 56.19
100. IC § 56.19
101. Rules § 190--2.3(56)(1)
102. Rules § 190--2.3(56)(1)
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104. IC § 56.22(1)
105. Rules § 190--2.3(56)(2)
106. IC § 56.22(1)
107. IC § 56.21
108. IC § 56.17(2)
109. IC § 56.24
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111. Rules § 190--2.5(56)
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123. Rules § 190--2.6(56)(9)
124. Rules § 190--2.6(56)(10)
125. Rules § 190--2.6(56)(11)
126. IC § 56.22(2)
127. Rules § 190--2.4(56)
128. Rules § 190--2.4(56)
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149. Rules § 190--2.9(56)
150. Rules § 190--2.10(56)

151. Rules § 190--2.11(56)
152. IC § 56.6(5)
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154. IC § 56.6(5)
155. IC § 56.6(6)
156. IC § 56.24
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159. IC § 56.16
160. IC § 56.29(5)
161. Rules § 190--6.2(56)
162. Rules § 190--6.2(56)
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171. Rules § 190--6.4(56)
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173. Rules § 190--6.6(56)
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176. IC § 56.9(4)
177. Rules § 190--5.1(56)
178. IC § 56.10(1)
179. IC § 56.10(1)
180. IC § 56.10(1)
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182. IC § 56.10(2)
183. IC § 56.10(3)
184. IC § 56.10(5)
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189. IC § 56.11(1)
190. Rules § 190--1.1(56)
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CAMPAIGN FINANCE LAW
IN KANSAS

I. INTRODUCTION

Kansas requires all candidates, political committees, party committees, and persons making independent expenditures of $100 or more to file information on all contributions and expenditures once before each election and on December 10th in election years. Contributions by any individual or non-party entity are limited to $3,000 per statewide candidate per election and $750 per candidate per election for other offices, although a candidate and the candidate's spouse are not limited in the amount that they may contribute to the candidate's own campaign. Political parties may contribute an unlimited amount. Anonymous contributions must be $10 or less, and there are limits on the aggregate amount of anonymous contributions that may be accepted. Kansas offers no tax incentives for political contributions nor a mechanism for public financing of election campaigns. The public disclosure commission is responsible for overseeing the campaign finance provisions of the law.

A. Definition of Contribution. A contribution includes any advance, deposit, distribution, gift, loan, payment of money, or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office [1]; a transfer of funds between any two or more candidate committees, party committees, or political committees [2]; the payment, by any person other than a candidate, candidate committee, party committee, or political committee, of compensation to an individual for the personal services rendered without charge to or for any such committee [3]; and the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events [4].

A contribution does not include the value of volunteer services provided without compensation [5]; costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of $50 during an allocable election period [6]; payment by a candidate or candidate's spouse for personal meals, lodging, and travel by personal automobile of the candidate or candidate's spouse while campaigning [7]; and the value of goods donated to events such as testimonial events, bake sales, garage sales, and auctions by any person not exceeding a fair market value of $50 per event [8].

A transfer of goods and services, forgiving of a debt, or rendering of a discount is not a contribution, if made in the ordinary course of business and not done with the purpose of influencing the nomination or election of an individual to state office [9]. A carryover of funds or inventory from one election period to another, or their transfer to a bona fide successor committee or candidacy is also not a contribution [10]. Other transfers between committees and candidates are contributions, however [11]. A candidate's transfer of personal funds to the campaign treasurer for use in the campaign constitutes a contribution [12].

An in-kind contribution is to be valued by the donor at the fair market value, with revaluing by the treasurer appropriate if the donor's value appears unreasonable [13]. Transfer of anything of value by a candidate to his campaign without charge, or at a charge less than the fair market value, constitutes an in-kind contribution, with the exception of payment by a candidate or the candidate's spouse for personal meals, lodging, and travel by personal automobile of the candidate or candidate's spouse while campaigning [14].

Unreimbursed volunteer service, such as that provided by the candidate and campaign workers, is considered an in-kind contribution if the value of the service exceeds $50 in an allocable election period [15]. Party committee overhead, salaries, supplies, and expenditures intended to accrue to the equal benefit of its candidates are not reportable in-kind contributions [16]. To the extent, however, that specific advice or services are provided to a specific candidate in an amount exceeding $50, the contribution becomes a reportable in-kind amount [17]. News endorsements, nonpartisan voter registration drives, and costs associated with organization-internal communications, which merely endorse a candidate, are not in-kind contributions [18].

B. Allocation of Contributions. All contributions, received from and including December 1st following one general election until and including the next primary election date, are to be allocated to that primary election [19]. Similarly, all contributions received from midnight on the date of a primary election through and including November 30th following the next general election are to be allocated to that general election [20].

C. Limitations on Amounts of Contributions. The aggregate amount contributed to a candidate, the candidate's committee, and all party and political committees dedicated to the candidate's campaign by any individual, committee, corporation, partnership, trust, organization, or association other than a party committee, the candidate, or the candidate's spouse, is limited to $3,000 per election for each primary and general election for statewide officers [21], and to $750 per election for each primary and general election for state senator, state house of representatives, district judge, district magistrate judge, district attorney, or member of the state board of education [22]. Where a loan is involved, the loan's face value at the end of the period allocated to the respective election is the amount subject to limitation [23]. Thus, a loan in excess of the contribution limits may be made during the allocation period if the loan is reduced to the permissible level, when combined with all other contributions from the person making the loan, at the end of the allocation period [24].

D. Limitations on Nature of Contributions. The making or knowing acceptance of a contribution in the name of another person is prohibited [25], as is making or accepting any contribution of more than $10 unless the contributor's name and address is known to the individual receiving the contribution [26]. The aggregate of contributions for which the name and address of the contributor is not reported is not to exceed half the amount that an individual other than the candidate and his spouse are permitted to contribute to or for a candidate's campaign [27].

Candidates, their committees, party committees, and political committees are prohibited from receiving any contribution or other receipt from a political committee unless the contribution is accompanied by the full name of the organization with which the political committee is connected or affiliated with, name or description sufficiently describing the affiliation, or, if the political committee is not connected or affiliated with any one organization, the trade, profession, or primary interest of contributors of the political committee [28]. Use of authorized official influence to obtain political assessments from government employees in the classified service is also prohibited [29].

All contributions must be recorded with a description of the contribution noted as cash, check, in-kind, or loan (including the rate of interest, term, guarantor, and endorser) [30].

E. Limitations on Solicitations. Each state officer, employee, or candidate for state office is prohibited from soliciting a contribution, except one reported in compliance with the Campaign Finance Act, from any person known to have an interest in the action or nonaction by the legislature, any state agency, or state official, affecting the contribution as distinct from affect upon the people of the state as a whole, where the recipient knows or should know that a major purpose of the donor could be to influence the recipient's official or prospective official duties [31].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure means any purchase, payment, distribution, loan, advance, deposit, gift of money, or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office [32]; any contract to make an expenditure [33]; a transfer of funds between any two or more candidate committees, party committees, or political committees [34]; or the payment of a candidate's filing fees [35]. Compliance costs and payment of qualifying fees constitute expenditures [36].

An expenditure does not include the value of volunteer services provided without compensation [37]; costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of $50 during an allocable period [38]; payment by a candidate or candidate's spouse for personal meals, lodging, and travel by personal automobile to the candidate or candidate's spouse while campaigning, or payment of such costs by the treasurer of a candidate or candidate committee [39]; the value of goods donated to events such as testimonial events, bake sales, garage sales, and auctions by any person not exceeding a fair market value of $50 per event [40]; and any communication by an incumbent elected state officer with one or more individuals, unless the primary purpose of the communication is to influence the candidate's nomination or election [41].

The carryover or transfer of funds from one election period to another, or to a successor committee or candidacy, is not an expenditure [42]. Communications by incumbent elected state officers with one or more of that officer's constituents are not considered to be expenditures, unless the primary purpose of the activity is to influence the candidate's nomination or election [43]. Costs which relate to communications occurring within 45 days after the adjournment, sine die, of the legislature in an election year in which the state officer is seeking office are presumed to be for the primary purpose of influencing the candidate's election, with the exception of costs related to a response by an incumbent official to public inquiries about official matters before the incumbent [44].

IV. REPORTING REQUIREMENTS

A. Registration. Each candidate for nomination or election to state office, and each party and political committee which anticipates receiving contributions or making expenditures, is required to appoint a chairperson and treasurer within 10 days after becoming a candidate or establishing the committee, respectively, and must provide the secretary of state with the names and addresses of these officials [45]. A political committee must include in its statement of organization the full name of the organization with which the committee is connected or affiliated with, the name or description sufficiently describing the affiliation, or, if the committee is not connected or affiliated with any one organization, the trade, profession, or primary interest of the contributors of the political committee [46]. Every person, other than a candidate or candidate committee, party committee, or political committee, who makes contributions or expenditures expressly advocating the election or defeat of a clearly identified candidate without the cooperation of the candidate or committee intended to be benefited, is also required to file reports with the secretary of state if the contributions or expenditures aggregate more than $100 in a calendar year [47]. Any combination of three or more individuals, or any individual, association, committee, party or political committee in Kansas is subject to special reporting requirements [48].

B. Filing Deadlines. Three reports are to be filed each election year [49]. Reports must be filed so that they are received by the 6th day preceding the primary election, including the period from December 1st of the preceding election year for the office the candidate is seeking through the 11th day before the primary [50]; the 6th day preceding a general election, covering the period beginning 10 days before the primary election through the 11th day before the general election [51]; and December 10th of an election year, for the period beginning 10 days before the general election and running through November 30th [52]. If a report is sent to the secretary of state by certified or registered mail on or before the day it is due, the mailing serves as notice of receipt by the office [53].

C. Contents of Reports. Each entity is responsible for filing a verified report with the secretary of state that lists several items. Each report must detail the cash on hand on the first day of the reporting period [54]; the name and address of each person contributing an aggregate amount or value of more than $50 during the election period, along with the amount and date of the contributions, and the name and address of every lender, guarantor, and endorser when a contribution is in the form of a loan or an advance [55]; the aggregate amount received from sales of political materials [56]; the aggregate amount of contributions for which the contributors' names and addresses are unknown [57]; each contribution, rebate, refund, or other receipt not otherwise listed [58]; the total of all receipts [59]; the names and addresses of those to whom expenditures have been made aggregating more than $50, along with the amount, date, and purpose of each, and the names and addresses of all those to whom loans or advances have been made [60]. When expenditures are made by payment to an advertising agency, public relations firm, or political consultants for distribution to vendors, the report of the expenditure is to show, in detail, the name of each vendor, and the amount, date, and purpose of the payments to each [61]. For each in-kind contribution received in excess of $50 the treasurer must report the name and address of the donor, and the amount, date, and purpose of the contribution [62]. Similar reporting is required where anyone has paid for personal services provided, without charge, to a candidate or committee in excess of $50 [63]. The aggregate of all other expenditures not otherwise reported [64], and the total of all expenditures must also be reported [65]. Purchases of tickets or admissions to testimonial events are to be reported in an aggregate amount, except when a person purchases tickets or admissions aggregating more than $50 per event, or at a cost exceeding $25 per ticket or admission [66].

Out-of-state committees, businesses, and organizations are subject to somewhat different reporting requirements. Such entities may elect to be considered a political committee and file the required statement of organization, and file the reports required of a Kansas political committee, provided that it establishes a separate fund for Kansas state office contributions and expenditures [67], or prepare a verified statement containing the names and addresses of the responsible individuals [68]; the names and addresses of those making contributions (including in-kind contributions) to an out-of-state combination of individuals, or person other than an individual, in an aggregate amount of more than $50 within the preceding year, along with the amount and date of the contributions [69]. This report is to include the names and addresses of contributors who are residents of Kansas, non-residents with jobs in Kansas, and those making contributions earmarked for use in Kansas [70]. All other contributions are permitted to be aggregated [71]. The verified statement, current through the date of the contribution, is to be submitted to the treasurer of any committee receiving any contributions from the entity, and subsequently included in the treasurer's report to the secretary of state [72]. In addition to other reports, treasurers are responsible for a statement of the amount and nature of debts and obligations owed to or by the committee after every election, continuing until the debts and obligations are fully paid or discharged [73]. In any election year in which the treasurer's candidate is not seeking election, the treasurer need only file a report on December 10th [74]. A termination report must be filed by the treasurer prior to dissolving a committee or terminating a treasurer's involvement, provided that all residual funds have been disbursed and all remaining debts and obligations have been discharged [75].

D. Exemptions from Reporting. Candidates for state office and their treasurers, who intend to expend or have expended on their behalf an aggregate amount or value of less than $500 and who intend to receive or have received on their behalf contributions aggregating less than $500 per election for each primary and general election, are to file an affidavit of such intent with the secretary of state prior to the date of the first required report for that year in lieu of the other required reports [76]. If such a candidate exceeds the $500 amount in any election, within three days after the date of exceeding the limit, all past due reports are to be filed and future reporting is triggered [77].

Similarly, treasurers of party and political committees who intend to receive less than $500 in total contributions or make less than $500 in total expenditures in any calendar year, and who do not intend to receive more than $50 from any one contributor, are required to file an affidavit of such intent with the secretary of state at any time prior to the date that the first report for that year is required to be filed [78]. This exempts the committee from regular reporting requirements [79], unless the committee receives or spends more than $500, or receives more than $50 from a single contributor during the year for which the affidavit is filed [80]. Within three days after the contributions or expenditures exceed the specified amounts, all past due reports must be filed, and the committee is subject to future reporting requirements [81].

V. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. A treasurer must continue to file all required reports so long as any residual funds or outstanding debts or obligations remain [82]. In any election year in which the candidate is not seeking election, the treasurer need only file a report on December 10th [83].

B. Termination Reports. Before any committee may be dissolved or the position of treasurer terminated, a termination report shall be filed with the secretary of state [84]. A termination report may not be filed until the disbursement of all residual funds and the discharge of all remaining debts and obligations [85].

C. Recordkeeping. All records of committees and candidates for offices with a four-year term must be kept for six years, and for offices with a two-year term, records must be retained for a four-year term from the closing date of the reporting period for which the account is kept by the treasurer [86].

VI. OFFENSES AND PENALTIES

Failure to file any required report or amendment in a timely manner [87]; fraudulently reporting any campaign finance report item [88]; intentionally making or intentionally accepting any excessive campaign contribution [89]; or intentionally violating any other provision of the campaign finance laws [90] is a Class A misdemeanor. The intentional failure of any person required to submit a statement to the treasurer to submit the same is also a Class A misdemeanor [91]. Further, any violations of the Campaign Finance Act by a member of the state senate or house of representatives are to be considered by the respective body [92], which may impose censure or disqualification, or decide that neither is necessary [93]. Officers subject to impeachment are to be reported by the Kansas Public Disclosure Commission to the house of representatives for their consideration [94]. If the violator is a judicial officer not subject to impeachment, the commission is to notify the Kansas Supreme Court [95], for violations by other officers the attorney general is to be notified for a possible ouster action [96]. Use of authority or official influence to obtain contributions from those in the state classifed service is a Class C misdemeanor [97].

If a required report is late, the public disclosure commission must send notice by registered or certified mail to the recalcitrant filer [98]. If the requirements are not complied with within fifteen days from the date of notice, a civil penalty of $10 per day for each day the report remains unfiled, up to a maximum amount of $300 [99]. Civil penalties may be waived by the commission for good cause [100].

VII. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is the filing repository, and the officer responsible for furnishing reporting forms to committees [101].

B. Kansas Public Disclosure Commission. The Kansas Public Disclosure Commission, a five-member body appointed by the governor and legislative leaders [102], is responsible for administering and investigating violations of the Act. The commission is empowered to conduct investigations both on the basis of a verified written complaint and on its own initiative [103]. A copy of any complaint filed with the commission is to promptly be mailed to the respondent [104]. The commission has full subpoena power, which it is required to exercise upon the request of any party [105]. Public hearings are required, with due process rights afforded [106]. If the commission determines that there has been a violation of the Campaign Finance Act, it is to state its findings of fact and report to the attorney general and the appropriate county or district attorney [107]. A respondent may bring a civil action in district court against the complainant for malicious prosecution whenever under like circumstances for malicious prosecution would arise for filing or prosecution of an action or complaint in court [108].

C. Attorney General or County or District Attorney. If a person fails to pay a civil penalty for late filing, the attorney general or county or district attorney is responsible for bringing an action to recover the penalty in the district court of the county in which the person resides [109].

REFERENCES

1. Kansas Statutes Annotated (hereafter KSA) § 25-4143(d)(1)(A)
2. KSA § 25-4143(d)(1)(B)
3. KSA § 25-4143(d)(1)(C)
4. KSA § 25-4143(d)(1)(D)
5. KSA § 25-4143(d)(2)(A)
6. KSA § 25-4143(d)(2)(B)
7. KSA § 25-4143(d)(2)(C)
8. KSA § 25-4143(d)(2)(D)
9. Kansas Public Disclosure Commission Rules and Regulations (hereafter Rules) § 19-22-1(a)
10. Rules § 19-22-1(a)
11. Rules § 19-22-1(b)
12. Rules § 19-22-1(c)
13. Rules § 19-24-1
14. Rules § 19-24-1
15. Rules §§ 19-24-4, 5
16. Rules § 19-24-6
17. Rules § 19-24-6
18. Rules § 19-24-3
19. KSA § 25-4149(a)
20. KSA § 25-4149(a)
21. KSA § 25-4153(a)(1)
22. KSA § 25-4153(a)(2)
23. KSA § 25-4153(b)
24. KSA § 25-4153(b)
25. KSA § 25-4154(a)
26. KSA § 25-4154(b)
27. KSA § 25-4154(c)
28. KSA § 4147(f)
29. KSA § 25-2953
30. Rules § 19-27-2(a)(1)(B)
31. KSA §§ 46-236; 46-229
32. KSA § 25-4143(f)(1)(A)
33. KSA § 25-4143(f)(1)(B)

34. KSA § 25-4143(f)(1)(C)
35. KSA § 25-4143(f)(1)(D)
36. Rules § 19-23-1(c), (d
37. KSA § 25-4143(f)(2)(A)
38. KSA § 25-4143(f)(2)(B)
39. KSA § 25-4143(f)(2)(C)
40. KSA § 25-4143(f)(2)(D)
41. KSA § 25-4143(f)(2)(E)
42. Rules § 19-23-1(a)
43. Rules § 19-23-1(a)
44. Rules § 19-23-1(a)
45. KSA §§ 25-4144; 25-4145
46. KSA § 25-4145(b)(4)
47. Rules § 19-21-5
48. Rules § 19-21-6
49. KSA § 25-4148(a)
50. KSA § 25-4148(a)(1)
51. KSA § 25-4148(a)(2)
52. KSA § 25-4148(a)(3)
53. KSA § 25-4148(g)
54. KSA § 25-4148(b)(1)
55. KSA § 25-4148(b)(2)
56. KSA § 25-4148(b)(3)
57. KSA § 25-4148(b)(4)
58. KSA § 25-4148(b)(5)
59. KSA § 25-4148(b)(6)
60. KSA § 25-4148(b)(7)
61. KSA § 25-4148(b)(7)
62. KSA § 25-4148(b)(8)
63. KSA § 25-4148(b)(8)
64. KSA § 25-4148(b)(9)
65. KSA § 25-4148(b)(10)
66. KSA § 25-4148(c)
67. Rules § 19-21-6(a)
68. Rules § 19-21-6(b)(1)
69. Rules § 19-21-6(b)(3)
70. Rules § 19-21-6(b)(3)
71. Rules § 19-21-6(b)(3)
72. Rules § 19-21-6(b)(3)
73. KSA § 25-4155
74. Rules § 19-29-4(c)
75. KSA § 25-4147; Rules § 19-29-4(a)
76. KSA § 25-4173
77. KSA § 25-4174
78. KSA § 25-4175
79. KSA § 25-4175
80. KSA § 25-4176
81. KSA § 25-4176
82. Rules § 19-24(c)
83. Rules § 19-24(c)
84. Rules § 19-24(a)
85. Rules § 19-24(a)
86. Rules § 19-27-4(b)
87. KSA § 25-4167
88. KSA § 25-4168
89. KSA § 25-4170
90. KSA § 25-4171
91. KSA § 25-4167; *State v. Doyen*, 224 Kan. 482; 580 P.2d 1351 (1978)
92. KSA § 25-4166(b)
93. KSA § 25-4166(d)
94. KSA §§ 25-4166(b), (d)
95. KSA §§ 25-4166(b), (d)
96. KSA §§ 25-4166(b), (d)
97. KSA § 75-2953(1)
98. KSA § 25-4152(a)
99. KSA § 25-4152(a)
100. KSA § 25-4152(a)
101. KSA § 25-4158(a)
102. KSA § 25-4119a(a)
103. KSA §§ 25-4158(b); 25-4160
104. KSA §§ 25-4158(b); 25-4160
105. KSA § 25-4163
106. KSA §§ 25-4161; 25-4163
107. KSA § 25-4164
108. KSA § 25-4162
109. KSA § 25-4152(c)

CAMPAIGN FINANCE LAW
IN KENTUCKY

I. INTRODUCTION

Candidates, campaign committees, political party executive committees, and permanent committees are required to file information on all contributions and expenditures. Candidates and campaign committees file two pre-election and one post-election reports; political party executive committees file a single, post-election report; and permanent committees file quarterly reports. Supplemental reports are required twice each year until a fund shows no unexpended balance, continuing debts and obligations, expenditures, or deficit. Direct corporate contributions are prohibited, and individuals, other than a candidate contributing to his own campaign, are limited to $3,000 in contributions per candidate per election. Cash contributions must be $100 or less, and anonymous contributions must be $50 or less. Kentucky offers a $2 tax checkoff ($4 for a joint return), with funds distributed to the political party designated by the taxpayer for party activities and distribution to general election candidates. The Kentucky Registry of Election Finance is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a payment, distribution, loan, deposit, gift of money, or other thing of value to a candidate, a candidate's agent, or political committee [1]; payment by a person other than the candidate, the candidate's authorized treasurer, or political committees, or compensation for the personal services of another person which are rendered to a candidate's campaign [2]; goods, advertising, or services furnished to a candidate's campaign without charge, or at a rate less than that normally charged for the goods or services [3]; payment by any person other than the candidate, the candidate's authorized treasurer, or political committees for any goods or services utilized in a candidate's campaign [4]; or an expenditure, in connection with any other activity undertaken independent of the candidate's campaign, made or furnished for the purpose of influencing the results of an election [5].

A contribution does not include services provided, without compensation, by an individual volunteering time on behalf of a candidate [6]; or a loan of money made by any financial institution doing business in Kentucky, made in accordance with applicable banking laws and regulations, and in the ordinary course of business [7].

B. Limitations on Corporate Contributions. No corporation, and no officer or agent of a corporation on its behalf, may contribute, directly or indirectly, any money, service, or other thing of value toward the nomination or election of any state, county, city, or district officer, or pay, promise, loan, or become pecuniarily liable, in any way, for any money or other valuable thing on behalf of any candidate for office at any election, primary, or nominating convention held in the state [8]. No attorney or other person may accept employment and compensation from a corporation with the understanding or agreement, either direct or implied, that he will contribute to any candidate, or on the candidate's behalf, any part or all of the compensation toward the nomination or election of the candidate [9]. An educational program in which all candidates are invited to appear on a corporation's premises, with equal treatment, is permissible [10].

No corporation organized or authorized to do business in Kentucky may, by itself or through an officer, agent, attorney, or employee subscribe, give, procure, furnish, or afterward reimburse or compensate, in any way, a person who has subscribed, given, procured, or furnished any money, privilege, favor, or other thing of value to any political or quasi-political organization, or an officer or member of such an organization, to be used by the organization to aid, assist, or advance any candidate for public office in any way whatever [11]. This section, and particularly the phrase "political or quasi-political organization," was intended to refer only to those organizations organized on behalf of political parties and the candidates of those parties seeking election to public office, and thus, has no application to independent organizations organized for the purpose of favoring or opposing a public question [12].

No officer, agent, attorney, employee of any corporation organized or authorized to do business in Kentucky, or person acting for or representing any such corporation may disburse, distribute, pay out, or in any way handle any money, funds, or other things of value that belongs to, or has been or is being furnished by, any corporation or any officer, agent, attorney, or employee of such a corporation to be used or employed, in any way, to aid, assist, or advance any candidate for public office [13].

C. Limitations on Contributions by Certain Persons. No person, other than a corporation, and no agent of such person on the person's behalf may contribute, directly or indirectly, any money, service, or other thing of value toward the nomination or election of any state, county, city, or district officer who, in his official capacity, is required by law to perform any duties peculiar to the person not common to the general public; to supervise, regulate, or control in any manner the affairs of such person; or to perform any duty in assessing the property of the person for taxation [14]. No person, and no agent of such person on the person's behalf, may pay, promise, loan, or become pecuniarily liable, in any way, for any money or other valuable thing on behalf of any candidate for office at any election, primary, or nominating convention held in Kentucky [15]. No attorney or other person may accept employment and compensation from any such person with the understanding or agreement, either direct or implied, that he will contribute to any candidate for any such office, or on the candidate's behalf, any part or all of the compensation, toward the nomination or election of the candidate [16]. Under this provision, an employee of a municipal housing committee is prohibited from contributing to his employer's candidacy [17], but an employee of the county government, a department head in county government, an attorney who practices before the fiscal court, or a citizen of the county whose affairs are supervised, regulated, or controlled may contribute to the campaign of a candidate for county commissioner, since county officers and employees would not be under the candidate's personal or individual direction or control because he is but one of four voting members of the fiscal court [18], and a trial commissioner may contribute to the campaign of a county judge seeking re-election to the office of county judge/executive because trial commissioners are appointed by the district judge [19].

D. Limitations on Solicitations. No candidate for nomination or election to any state, county, city, or district office may expend, pay, promise, loan, or become pecuniarily liable, in any way, for money or other things of value, directly or indirectly, to any person in consideration for that person's financial support, and no candidate may promise, agree, or make a contract with any person to vote for or support any particular individual, thing, or measure in consideration for that person's financial support in any election, primary, or nominating convention, and no person may require that any candidate make such a promise [20].

No person may obtain, or attempt to obtain, money by assessment or coercion from any state or federal employee with the purpose of using the money to promote or aid the candidacy of any person, any political party, any question to be voted upon by the voters of the state or any subdivision, or in securing delegates where nominations are to be made by convention [21]. Assessment means the fixing of any amount to be given in money by any employee, and the soliciting of that amount from a person so assessed [22]. Coercion means the threat of discharging any employee for failure to contribute money for campaign or political purposes by any influence, or discharging, demoting, or reducing the salary or wages of any employee for failure to contribute portions of his salary or wages, or by putting the employee in fear in any manner [23].

The solicitations from and contributions by candidates and party executive committees to any religious, charitable, civic, or other causes or organizations established primarily for the public good are expressly prohibited, but a candidate may continue regular personal contributions to religious, civic, or charitable groups of which he is a member, or to which he has been a regular contributor for more than six months [24].

A reverse check-off procedure whereby a political action committee deducts contributions from the paychecks of members of its affiliate group unless the member took affirmative steps to decline making a contribution is permissible [25].

E. Limitations on Nature of Contributions. No contribution of money or other thing of value, nor obligation thereof, may be made or received except through the duly appointed campaign manager or campaign treasurer of the candidate or registered committee [26]. Any anonymous campaign contribution in excess of $50 received by a campaign treasurer or committee must not be used or expended, but must be returned to the donor if the donor's identity is known, and if no donor is found, the contribution must escheat to the state [27]. No person may make a contribution in the name of another person, and no person may knowingly accept a contribution made by one person in the name of another person [28]. No candidate or committee, nor anyone on their behalf, may accept a cash contribution in excess of $100 [29]. A cashier's check is considered a cash contribution if a substantial nexus cannot be established between the individual contributor and the check [30].

Before receiving any contributions, each candidate and committee must designate a primary campaign depository for the deposit of all contributions received [31]. Only a bank authorized to transact business in Kentucky may be designated as a campaign depository [32]. All funds received by the campaign treasurer or deputy campaign treasurer of any candidate or committee must be deposited prior to the end of the 5th business day following their receipt in a campaign depository in an account designated "Campaign Fund of (name of candidate or committee)," along with a statement showing the full name, address, and occupation of each contributor of more than $100, and a statement of the amount received [33].

F. Limitations on Amounts of Contributions. No person may contribute more than $3,000 to any one candidate in any one election [34], except a candidate contributing to his own campaign [35]. The term "person," here, has been interpreted as referring to a human being, and does not include an unincorporated association [36]. Thus, the limitation would not apply to one contribution from an association or a group of people, although the limitation would apply to each individual of the group [37]. A person may contribute up to $3,000 to a particular candidate for use in the candidate's primary campaign, and a sum equal to this amount for use in the candidate's general election campaign [38].

G. Limitations on Use of Funds. No candidate or committee may use, or permit the use of, funds solicited or received for such person to further the person's candidacy for another office [39]. Any funds or contributions solicited or received by, or on behalf of, a candidate or any committee which has been organized, in whole or in part, to further any candidacy for the same person may be deemed to have been solicited or received for the candidacy for which he is then a candidate, if the funds or contributions are solicited or received at any time prior to the general election for which he is a nominee, and for 30 days after [40].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. Kentucky's campaign finance regulation provisions do not explicitly define an expenditure. An independent expenditure is defined as one made for a communication which expressly advocates the election or defeat of a clearly identified candidate, and which is not made with any direct or indirect cooperation, consent, request, suggestion, or consultation involving a candidate or the candidate's authorized committee or agent [41].

B. Limitations on Nature of Expenditures. Before expending any money, each candidate and committee must designate a primary campaign depository for disbursing all expenditures made by the candidate or committee [42]. The campaign treasurer is to make or authorize all expenditures on behalf of a candidate [43]. No expenditure of money or other thing of value may be made or incurred, other than an independent expenditure, except through the duly appointed campaign manager or campaign treasurer of the candidate or registered committee [44].

No candidate for nomination or election to any state, county, city, or district office may expend, pay, promise, loan, or become pecuniarily liable, in any way, for money or other things of value, directly or indirectly, to any person in consideration of that person's vote or financial or moral support [45].

Political parties receiving income tax designated monies may use these funds only to support their party's candidate in a general election and for the administrative costs of maintaining a political party headquarters [46].

IV. REPORTING REQUIREMENTS

A. Registration. Each candidate must designate a campaign treasurer at the time, and with the office, he files as a candidate [47]. Before receiving any contributions or expending any money, each candidate and committee must designate a bank authorized to do business in Kentucky as a primary campaign depository for the deposit of all contributions received and distursement of all expenditures [48]. A secondary depository may also be designated in each county in which an election is held in which the candidate or committee participates [49].

Any committee organized under Kentucky's campaign financing provisions must file an official notice of intention with the registry of election finance at the time of organization, listing the names, addresses, and positions of the organization's officers, and designating the candidate, candidates, or question it is organized to support or oppose [50]. The chairman and campaign treasurer must be separate persons [51].

B. Reporting by Candidates and Political Issues Committees. Each campaign treasurer of a candidate, campaign committee, or political issues committee must make a full report to the registry of all money, loans, or other things of value received from any source during the reporting period, including the name, address, and occupation of each person or group contributing in excess of $100, the amount contributed by each, and the date of the contribution, and a complete statement of all expenditures, other than independent expenditures, authorized, incurred, or made, including the name, address, and occupation of each person to whom an expenditure was made in excess of $50, and the amount, date, and purpose of each expenditure [52]. In making the reports, proceeds from the sale of tickets for fundraising events, mass collections made at such events, and sales of items, such as campaign pins, buttons, hats, ties, literature, and similar materials, and the total gross receipts from each category must be listed [53]. When any individual purchase or the aggregate purchases of any such item exceeds $100, the purchaser's name, address, and occupation and the amount purchased must be reported to the registry [54].

Any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination or election to public office [55], and campaign committees which register in the year before the year in election in which the person or persons supported are to be candidates occurs, must file financial reports with the registry at the end of the first calendar quarter after the person becomes a candidate, or following registration of the committee, and each subsequent calendar quarter, ending with the calendar quarter just prior to the due date of the first 32-day pre-primary reports [56].

All candidates and their campaign committees must make reports on the 32nd day preceding an election, including all previous contributions and expenditures [57], and on the 12th day preceding the election [58]. Candidates have five days from each filing deadline in which to get their reports to the registry [59].

C. Reporting by Permanent Committees and Certain Individuals. Each permanent committee, a group of individuals, including an association, committee, or organization, other than a campaign committee or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose political activity and which functions on a regular basis throughout the year [60], must report to the registry on the last day of the first calendar quarter following the registration of the committee, and on the last day of each subsequent quarter until the committee terminates [61]. The report must contain information on all money, loans, or other things of value received from any source during the reporting period, and must include the name, address, and occupation of each person or group contributing in excess of $100, the amount contributed by each, the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made, other than independent expenditures [62].

D. Reporting by Political Parties. Each state and county political party executive committee must report to the registry within 30 days after the regular primary and general elections [63]. The report must contain information on all money, loans, or other things of value received from any source during the reporting period, and must include the name, address, and occupation of each person or group contributing in excess of $100, the amount contributed by each, the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made [64]. The statement of expenditures must include the name and address of each person to whom an expenditure was made in excess of $50 and the amount, date, and purpose of each expenditure [65]. If an individual gives a reportable contribution to a state or county political party executive committee with the intention that the contribution, or a portion of the contribution, is to go to a candidate, the name of the contributor and the sum are to be indicated on the committee report [66].

The designated official of each state or local governing authority of a political party to which tax designations are remitted must forward to the registry, within 30 days after each general election, a report of the unexpended and unobligated balance of the funds [67], and an itemized listing of each expenditure authorized, incurred, or made from the funds, including the amount, date, and purpose of each expenditure, regardless of the amount, and the name, address, and occupation of each person to whom an expenditure of $50 or more was made during the reporting period [68].

E. Supplemental Reports. If a final statement shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer must file with the registry a supplemental statement of contributions and expenditures not more than 30 days after the deadline for filing the final statement [69]. Subsequent supplemental statements must be filed semiannually, on June 30th and December 31st until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit [70]. A candidate does not have to file supplemental reports if the debt is the candidate's personal note [71].

F. Exemptions from Reporting. If a candidate is unopposed in a primary or general election after the closing of filing, and has received no contributions nor made any expenditures, the candidate's filing obligation is ended [72]. A candidate who is opposed but received no contributions nor makes any expenditures must file all required reports [73].

A candidate is personally relieved of the reporting and recordkeeping requirements if the candidate states, in writing to the registry that within five days after personally receiving any contributions, he will surrender possession of the entire contribution or contributions to the treasurer of his principal campaign committee without expending any of the proceeds, or commingling the contributions with the candidate's personal funds or accounts [74]. Contributions received by check, money order, or other written instrument must be endorsed directly to the political committee, and may not be cashed or deposited by the candidate [75]. The candidate must also not have any unreimbursed expenditures for his campaign, except for a candidate's expenditure from his personal funds to the candidate's designated principal campaign committee, which is to be reported by the committee as a contribution received [76]. The waiver continues in effect as long as the candidate complies with the conditions under which it was granted [77].

V. PUBLIC FINANCING PROVISIONS

Funds generated from the designation by individuals of a portion of their tax liability are remitted to political parties for use in supporting the parties' candidates in a general election and for the administrative costs of maintaining a political party headquarters [78]. Fifty cents of each $2 designation is remitted to the appropriate official of the local governing authority of the designated political party within the taxpayer's resident county, and the remainder is remitted to the appropriate official of the state governing authority of the designated political party [79]. Funds are remitted annually, on January 1st [80]. An annual report is required from the designated official of each state or local governing authority of a political party to which funds are remitted [81]. An annual audit of these accounts and records is required to be undertaken by the registry [82].

VI. TAX PROVISIONS

Every individual whose income tax liability for the taxable year is at least $2 may designate that $2 be paid to a political party [83]. In the case of a joint return, each spouse may designate that $2 be paid to a political party, if the joint tax liability is at least as great as the amount jointly designated [84]. The designation may not increase or decrease the income tax liability of any taxpayer, nor may it reduce the overpayment of any taxpayer [85].

The commissioner of revenue must annually certify, by December 1st, the designated amounts to be paid by the state treasurer, and the treasurer must annually remit the funds by the following January 1st to the appropriate official of the state and local governing authorities of the designated political party [86].

VII. POST-ELECTION REQUIREMENTS

In addition to the supplemental reports required if a final statement shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit [87], no candidate or committee may use, or permit the use of, contributions or funds solicited or received for the candidate or committee to further the candidacy of the candidate for a different public office [88]. Any funds solicited or received by, or on behalf of, a candidate or any committee which has been organized, in whole or in part, to further any candidacy for the same person, must be deemed to have been solicited or received for the candidacy for which he is then a candidate, if the funds or contributions are solicited or received at any time prior to the general election for which he is a nominee and for 30 days after [89]. Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further the person's candidacy may, at the option of the candidate or committee, be returned pro rata to all contributors, or be transferred to the executive committee of the political party of which the candidate is a member, except that a candidate, committee, or official may retain the funds to seek election to the same office [90]. Surplus campaign funds may not be contributed to a charitable organization [91].

VIII. OFFENSES AND PENALTIES

Any public service corporation engaged in business in Kentucky, any officer or agent of such a corporation, or attorney or other person employed by such a corporation, who willfully violates any of the provisions against corporate contributions to candidates may be fined not more than $10,000, and in the case of individuals, be imprisoned in the county jail for not less than 30 days nor more than one year [92]. Any other corporation, any officer or agent of such a corporation, or attorney or other person employed by such a corporation, who willfully violates any of the corporate contribution prohibitions with respect to the nomination or election of any state, county, city, or district officer who, in his official capacity, is required by law to perform any duties peculiar to the corporation not common to the general public, to supervise, regulate, or control in any manner the corporation's affairs, or to perform any duty in assessing the property of the corporation for taxes may be fined not more than $10,000, and, in the case of individuals, be imprisoned in the county jail for not less than 30 days nor more than one year [93], but if the violation is with respect to the nomination or election of a candidate other than such an officer, the corporation shall be fined not more than $1,000, and, in the case of individuals, be imprisoned for not more than one year [94].

Any attorney who willfully violates the provisions against corporate contributions to candidates or contributions by individuals to certain candidates with special regulatory powers over them may be disbarred from the practice of law, be fined not more than $10,000, and be imprisoned in the county jail for not less than 30 days nor more than one year [95].

Any corporation which willfully violates the prohibition against concealed corporate contributions to candidates may be fined not less than $500 nor more than $5,000 for each offense, and upon conviction, its charter must be forfeited or its authority to do business revoked [96], while any person person who willfully violates this prohibition may be fined not less than $250 nor more than $1,000 for each offense, and imprisoned in the county jail for not less than three months nor more than one year [97].

Any person who willfully violates the prohibition against contributions to candidates for office with special regulatory powers over the person may be fined not more than $10,000, and imprisoned in the county jail for not less than 30 days nor more than one year [98].

Any person who violates the prohibition against a candidate making an expenditure, loan, promise, agreement, or contract as to action when elected, in consideration for a vote, may be fined not more than $5,000, or imprisoned in the county jail for not more than six months, or both [99].

Any person who willfully violates any of the registration, recordkeeping, or reporting provisions may be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or both [100].

Any candidate's nomination for, or election to, an office, who willfully violates any of the registration, recordkeeping, and reporting provisions, or whose campaign treasurer does so with the candidate's knowledge, must be voided, and the office or candidacy filled, as provided by law for the filling of a vacancy [101].

Any person who willfully violates the provisions governing assessments of state or federal employees for political purposes may be fined not less than $50 nor more than $500, or imprisoned in the county jail for not less than 10 days nor more than 30 days, or both [102].

IX. REGULATORY AGENCIES

A. Kentucky Registry of Election Finance. The Kentucky Registry of Election Finance oversees campaign finance regulation in the Commonwealth. The registry is a five-member independent agency, with four members appointed by the governor from lists submitted by the state central committees of the two political parties that polled the largest vote in the last preceding election for state officers or presidential electors [103]. The four members so appointed select a 5th member, who serves as chairman [104].

The registry is to appoint a full-time executive director, legal counsel, and an accountant for auditing purposes, and other employees as necessary [105]. The registry is empowered to adopt necessary regulations, official forms, and perform appropriate tasks to implement the law, and must develop prescribed forms for the required reports [106]; prepare and publish a manual for all candidates and committees, describing the requirements of the law, including uniform methods of bookkeeping and reporting [107]; develop a filing, coding, and cross-indexing system [108]; make each report filed available for public inspection and copying during regular office hours, at the expense of any person requesting copies [109]; preserve all reports for at least four years from receipt [110]; prepare and make available for public inspection a summary of all reports, grouped according to candidates and parties, containing the total receipts and expenditures, and the date, name, address, occupation and amount contributed in excess of $100 [111]; prepare and publish an annual report with cumulative compilations of the summaries [112]; distribute upon request, for a nominal fee, copies of all summaries and reports [113]; and determine whether the required reports have been filed and, if so, whether they conform to the law; give notice to delinquent filers to correct or explain deficiencies; issue an order, if appropriate, and make public the fact and nature of a violation [114].

Any registered voter claiming the commission of a corrupt practice may file a sworn, written complaint with the registry [115]. A complaint must contain the full name and address of the complainant [116]; the name and address of the person, persons, or organization against whom the complaint is made [117]; a short and plain statement of the facts, showing that a violation has occurred [118]; and should contain the date or dates and time of the alleged violation [119]. A complaint may be filed within two years after the alleged violation occurs [120].

The executive director is to determine from the face of the complaint, or by investigation, whether there is reasonable grounds to believe a violation has occurred [121]. Not later than five days after the registry receives the complaint or after it decides to investigate on its own initiative, the registry must give notice of the investigation to the respondent, who must be given five days to respond [122].

When the registry concludes that there is probable cause to believe that a violation of the law has occurred, it may hold a hearing to determine if the violation has occurred [123]. The respondent may choose whether the hearing will be open or closed, and must have all of the protections of due process, including, but not limited to, the right to be represented by counsel, the right to call and examine witnesses, the right to production of evidence by subpoena, the right to introduce exhibits, and the right to cross-examine opposing witnesses [124]. All testimony must be given under oath or affirmation [125]. Whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or other evidence relating to any matter under investigation or in question before the registry, the executive director may issue a subpoena or subpoena duces tecum for such purposes [126].

When the registry determines that the preponderance of the evidence shows that a violation has occurred, it must order a violator to cease and desist violation of the law [127]; file any required reports, documents, or information [128]; or pay a penalty of not more than $100 a day for failure to file any required report, document, or information until it is filed [129]. If the registry concludes that there is probable cause to believe that a law has been willfully violated, it may refer the violation to the attorney general or to the appropriate local prosecutor for investigation and prosecution [130].

Any person directly involved or affected by a final registry action, other than the referral of a violation to the attorney general or the appropriate local prosecutor for prosecution, may seek judicial review of the action [131]. If judicial review is sought of any registry action relating to a pending election, the matter shall be advanced on the court docket [132].

B. Attorney General and Local Prosecutors. The attorney general or the appropriate local prosecutor may be referred apparent violations of the law by the registry [133]. The attorney general or the appropriate local prosecutor has the responsibility for prosecutions under the law and may request from the registry all evidence collected in its investigation [134].

C. Commissioner of Revenue and State Treasurer. By December 1st of each year, the commissioner of revenue is required to certify the amount of funds designated to political parties from income tax returns, and the treasurer is to annually remit those funds by the following January 1st to the appropriate official of the state and local governing authorities of the designated political party [135].

REFERENCES

1. Kentucky Revise of Statutes (hereafter KRS) § 121.015(6)(a)
2. KRS § 121.015(6)(b)
3. KRS § 121.015(6)(c)
4. KRS § 121.015(6)(d)
5. KRS § 121.015(6)(e)
6. KRS § 121.015(6)(f)(1)
7. KRS § 121.015(6)(f)(2)
8. KRS § 121.025
9. KRS § 121.025
10. Opinions of the Kentucky Attorney General (hereafter Op. Att'y Gen.) No. 80-522 (1980)
11. KRS § 121.035
12. Op. Att'y Gen. No. 76-406 (1976); KRS § 121.035(3)
13. KRS § 121.035(2)
14. KRS § 121.045. But see Lee v. Commonwealth, 565 S.W.2d 634 (Ky.App. 1978) (prohibition on donations to the election campaigns of candidates for the office of property assessor by persons whose property the assessor may assess is unconstitutional)
15. KRS § 121.045
16. KRS § 121.045
17. Op. Att'y Gen. No. 75-101 (1975)
18. Op. Att'y Gen. No. 77-40 (1977)
19. Op. Att'y Gen. No. 77-598 (1977)
20. KRS § 121.055
21. KRS § 121.320(1)
22. KRS § 121.320(2)
23. KRS § 121.320(3)
24. KRS § 121.150(1)
25. Kentucky Educators Pub. Affairs Council v. Kentucky Registry of Election Finance, 677 F.2d 1125 (6th Cir. 1982)
26. KRS § 121.150(2)
27. KRS § 121.150(3)
28. KRS § 121.150(6)
29. KRS § 121.150(4)
30. Op. Att'y Gen. No. 75-159 (1975); see Lane v. Railey, 133 S.W.2d 74 (1939)
31. KRS § 121.220(1)
32. KRS § 121.220(1)
33. KRS § 121.220(2)
34. KRS § 121.150(5)
35. Op. Att'y Gen. No. 75-590 (1975)
36. Op. Att'y Gen. No. 75-325 (1975)
37. Op. Att'y Gen. No. 75-325 (1975)
38. Op. Att'y Gen. No. 75-590 (1975)
39. KRS § 121.180(9)
40. KRS § 121.180(9)
41. KRS § 121.150(1)
42. KRS § 121.220(1)
43. KRS § 121.160(2)(c)
44. KRS § 121.150(1)
45. KRS §121.055; Brown v. Hartlage, 454 U.S. 936 (1982); Op. Att'y Gen. No. 83-435 (1983)
46. KRS § 121.230(1)
47. KRS § 121.160(1)
48. KRS § 121.220(1)
49. KRS § 121.220(1)
50. KRS § 121.170(1)
51. KRS § 121.170(3)
52. KRS § 121.180(2)
53. KRS § 121.180(3)
54. KRS § 121.180(3)
55. KRS § 121.015(7)
56. KRS § 121.180(2)(a)
57. KRS § 121.180(2)(b)
58. KRS § 121.180(2)(d)
59. KRS § 121.180(2)(e)
60. KRS § 121.015(3)(c)
61. KRS § 121.180(4)
62. KRS § 121.180(4)
63. KRS § 121.180(1)
64. KRS § 121.180(1)
65. KRS § 121.180(1)
66. KRS § 121.180(1)
67. KRS § 121.250(3)(a)
68. KRS § 121.250(3)(b)
69. KRS § 121.180(5)
70. KRS § 121.180(5)
71. KRS § 121.180(5)
72. KRS § 121.180(7)
73. KRS § 121.180(7)
74. KRS § 121.180(8)(a)
75. KRS § 121.180(8)(a)
76. KRS § 121.180(8)(b)
77. KRS § 121.180(8)
78. KRS §§ 141.071; 121.250(1)
79. KRS § 141.072
80. KRS § 141.072
81. KRS § 121.250(2)
82. KRS § 121.250(5)
83. KRS § 141.071(2)
84. KRS § 141.071(2)
85. KRS § 141.071(2)
86. KRS § 141.072
87. KRS § 121.180(5)
88. KRS § 121.180(9)
89. KRS § 121.180(9)
90. KRS § 121.180(9)
91. Op. Att'y Gen. No. 82-255 (1982)
92. KRS § 121.990(1)
93. KRS § 121.990(2)
94. KRS § 121.990(3)
95. KRS §§ 121.990(4); 121.990(1)-(3); 121.990(7)
96. KRS § 121.990(5)
97. KRS § 121.990(6)
98. KRS § 121.990(7)
99. KRS § 121.990(8)
100. KRS § 121.990(9)
101. KRS § 121.990(10); Kentucky Registry of Election Finance v. Jordan, 583 S.W.2d 90 (Ky.App. 1979)
102. KRS § 121.990(16)
103. KRS §§ 121.110(1), (2)
104. KRS § 121.110(3)
105. KRS § 121.120(1)
106. KRS § 121.120(3)(a)
107. KRS § 121.120(3)(b)
108. KRS § 121.120(3)(c)
109. KRS § 121.120(3)(d)
110. KRS § 121.120(3)(e)
111. KRS § 121.120(3)(f)
112. KRS § 121.120(3)(g)
113. KRS § 121.120(3)(h)
114. KRS § 121.120(3)(i)
115. 801 Kentucky Administrative Regulations (hereafter KAR) 2:010(2)(1)(a)
116. 801 KAR 2:010(2)(3)(a)(1)
117. 801 KAR 2:010(2)(3)(a)(2)
118. 801 KAR 2:010(2)(3)(a)(3)
119. 801 KAR 2:010(2)(3)(b)(2)
120. 801 KAR 2:010(2)(4)
121. 801 KAR 2:010(2)(9)
122. KRS § 121.140(1)
123. KRS § 121.140(2)
124. KRS § 121.140(2)
125. 801 KAR 2:010(4)(4)(c)
126. 801 KAR 2:010(6)(1)(a)
127. KRS § 121.140(2)(a)
128. KRS § 121.140(2)(b)
129. KRS § 121.140(2)(c)
130. KRS § 121.140(3)
131. KRS § 121.140(4)
132. KRS § 121.140(5)
133. KRS § 121.140(3)
134. KRS § 121.140(3)
135. KRS § 141.072

CAMPAIGN FINANCE LAW
IN LOUISIANA

I. INTRODUCTION

Louisiana requires candidates, political committees, and any non-candidate persons receiving contributions or making independent expenditures to file information on all contributions and expenditures exceeding certain threshold amounts in four pre-primary reports and in one report before and another after a general election. Special reports of late contributions are required if they exceed $2,000, and reports of certain late expenditures are also necessary. An annual report must also be filed until a deficit has been paid or if the candidate or committee has received contributions or made expenditures during the year. Contributions are not limited, but cash contributions may be subject to special restrictions. Anonymous contributions of more than $25 are generally prohibited, and government employees may not be solicited. Louisiana offers no tax incentives for political contributions nor a mechanism for public financing of election campaigns. The supervisory committee is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a gift, conveyance, payment, deposit of money or anything of value, or the forgiveness of a loan or debt made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, whether made before or after an election [1]. A contribution also includes contributions in-kind with an attributable monetary value in excess of the reporting amount and other contributions in-kind without limitation, if the contribution is the donation by any person, other than a candidate or political committee, of the services of paid employees, the value of which exceeds the reporting amount; the donation of or the donation of the right to use any item of tangible property if used or consumed and not exchanged or converted to cash [2]; a promissory note or written contract to make a contribution [3]; a payment to purchase campaign paraphernalia other than expenditures by a candidate or political committee to purchase its own paraphernalia [4]; or a payment for tickets to a fundraising event [5].

A contribution does not include personal services provided voluntarily by any person without compensation or by any person employed for purposes other than solely campaign purposes by the reporting candidate, by a partnership of which he is a member, or by a corporation of which he owns a majority of the stock [6]; a transfer of funds between political committees [7]; or a loan [8]. Dues or membership fees of any membership organization or corporation paid by its members or stockholders are also not a contribution if the membership organization or corporation is not organized primarily for the purpose of supporting, opposing, or otherwise influencing the nomination or election of any person to public office [9].

A contribution of anything of value other than money or an in-kind contribution must be considered as a contribution of money in the amount of the fair market value [10].

B. Nature of Contributions. A contribution of any kind in the name of another is prohibited [11], and candidates, political committees, and others required to file disclosure reports are to pay to the state any anonymous contributions that may be received [12]. Single transactions for the sale of political material that do not exceed $25 and single transactions involving the sale of tickets to fundraising events that do not exceed $100 are not considered to be anonymous contributions [13], but successive single transactions related to these items in amounts below the recordkeeping threshold are considered to be subterfuge and are punishable at law [14].

Cash contributions that exceed $300 in the aggregate during any calendar year may not be made by a person nor received by a candidate or committee [15]. All contributions above the $300 amount that are not in-kind are to be made by an instrument containing the names of the donor and donee [16]. All contributions must be deposited in a designated national or state bank depository [17].

Solicitation or acceptance of a contribution by an elected official--one who has been inducted into office--for past campaign expenses from persons he knows, or should know, who seek to obtain contractual, financial, or other business relationships with the elected official's agency is prohibited [18].

Contributions or loans may not be received in the aggregate of more than $500 during a calendar year unless the committee has filed the required annual statement of organization [19], nor may any candidate make a contribution to any committee that has not filed such a statement [20].

C. Limitations on Contributions by Corporations, Labor Organizations, and Associations. Business and labor organizations are limited in their political undertakings. All corporations, labor organizations, and trade, business, and professional associations are prohibited from making any campaign contribution unless specifically authorized to do so by either the board of directors of the corporation or the executive board of the labor organization or the trade, business, or professional association at a regular or special meeting; by the president, vice president, secretary, or treasurer of a corporation whom the board has specifically empowered to authorize such contributions; or by a vote of the membership of the labor organization [21]. Contributions other than in-kind made by profit or nonprofit corporations, labor organizations, or trade, business, or professional associations are to be made by check [22].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a purchase, payment, advance, deposit, or gift of money or anything of value made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, whether made before or after the election [23]. An expenditure also includes a promissory note or written contract to make an expenditure [24]; expenditures in-kind that have an attributable monetary value in excess of the reporting amount and other expenditures in-kind without limitation, if the expenditure is the donation by any person, candidate, or political committee of the services of paid employees, the value of whose services exceeds the reporting amount; and the donation of, or the donation of the right to use, any item of tangible property if used or consumed and not exchanged or converted to cash [25].

An expenditure does not include personal services provided voluntarily by any person without compensation or by any person employed for purposes other than solely campaign purposes by the reporting candidate, by a partnership of which he is a member, or by a corporation of which he owns a majority of the stock [26]; a transfer of funds between political committees [27]; or a loan [28]. Any communication by any membership organization or corporation to its members or stockholders is also not an expenditure if the membership organization or corporation is not organized primarily for the purpose of supporting, opposing, or otherwise influencing the nomination or election of any person to public office [29].

An expenditure of anything of value other than money or an in-kind expenditure must be considered as an expenditure of money in the amount of the fair market value [30].

B. Limitations on Nature of Expenditures. Expenditures made in the name of another are implicitly prohibited [31]. Those subject to the campaign disclosure provisions are also forbidden from making any expenditures from funds received from an anonymous source [32]. All expenditures by candidates and committees are to be made by checks drawn on one of the designated depositories, are to be made payable to a specific person, and must indicate the object or services for which the check is drawn [33]. The sole exception to this provision involves the petty cash fund allowed under the law. This fund may have money transferred to it by a check payable to petty cash [34], and amounts of up to $100 in cash may be dispensed from the fund, as long as a complete record is maintained and no expenditures are made for personal services (except for gratuities paid for food or beverage services) or for in any way subsidizing the transportation of voters to vote [35]. Such transportation costs may be paid, however, by check [36].

Committees are not permitted to make loans or expenditures to other committees that total more than $500 in any calendar year until the committee making the expenditure has filed the requisite statement of organization [37].

Contributions by a candidate to a committee are considered expenditures by the candidate [38], as are expenditures by a public relations firm, advertising agency, or agent for a candidate [39]. Expenditures by a public relations firm, advertising agency, or agent for a political committee are similarly considered expenditures of the political committee [40].

C. Limitations on Expenditures by Corporations, Labor Organizations, and Associations. Expenditures by corporations, labor organizations, and trade, business, or professional associations are prohibited unless specific authorization is granted by the appropriate officials or membership in the manner described for contributions [41]. Expenditures by these entities must be made by check [42].

IV. REPORTING REQUIREMENTS

A. Registration. Committees anticipating receiving or spending more than $500 during the calendar year must file a statement of organization annually between January 1st and January 31st with the supervisory committee on campaign finance disclosure [43]. A committee formed after January 31st or any other committee anticipating contributions or expenditures in excess of $500 during the calendar year is to file a statement of organization within 10 days after the date it discovers or anticipates spending or receiving more than $500 [44]. If the committee is organized within 10 days prior to an election and anticipates spending or receiving more than $500, the statement of organization is due by the third day after organization [45].

The statement of organization is a prerequisite to making any transactions aggregating in excess of $500 [46]. The statement requires the committee's name and address, as well as similar information and the relationship to it of any affiliated organizations [47].

The names and addresses of the chairman, treasurer, and other committee officers are also required, along with a listing of all banks, safety deposit boxes, or other depositories used for committee funds [48].

B. Reporting. Each candidate for "major office": governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, commissioner of insurance, commissioner of elections, superintendent of education, public service commissioner, justice of the supreme court, and all other elected offices with an election district containing in excess of 250,000 persons in the most recent decennial federal census [49]; candidates for "district office": member of the legislature, all parishwide elected offices, all public offices elected in more than one parish, and all other public offices elected in any election district with a population of between 35,001 and 250,000 persons [50]; and candidates for all non-federal public offices that are neither "major" or "district" offices [51] are required to file reports of contributions and expenditures under different terms.

A political committee is also required to report under specified circumstances. A political committee is two or more persons, other than husband and wife, and any corporation organized primarily to support or oppose a candidate or political party that accepts contributions in the committee's name, makes expenditures from the committee's funds, or, in the committee's name, transfers or receives a transfer of funds from another committee or receives or makes loans that aggregate more than $500 within any calendar year [52]. An entity that during the reporting period has supported candidates in states other than Louisiana, has received less than half of its total receipts during the period from Louisiana candidates or committees, and has spent less than half, but not more than $20,000, of its total disbursements during the reporting period on Louisiana candidates is not subject to the reporting requirements [53]. Labor unions, banks, churches, and other entities not established for the primary purpose of supporting political candidates are not political committees, although they may organize a separate political committee [54].

Disclosure reports are required from each candidate for major or district office [55], each candidate for any other public office who makes expenditures of more than $5,000 or receives a contribution of more than $250 in the aggregate for the aggregating period [56], each political committee [57], and any noncandidate who makes expenditures or accepts contributions other than to or from a candidate or committee in excess of an aggregate of $500 [58].

Political committees and candidates for major or district office that did not receive a contribution in excess of the reporting amount and who did not make expenditures of more than $5,000 are permitted to file an affidavit so stating in lieu of each report that would otherwise be due [59]. Candidates for any other office are not required to file any reports unless that candidate spent more than $5,000 or received contributions from one source in excess of $250 [60].

Reports must be certified and filed with the supervisory committee on campaign finance disclosure [61]. In addition to filing with the supervisory committee, every candidate and political committee required to file a report, except a candidate for major office that is filled by election in more than one parish or a committee supporting or opposing only such candidates, must file a copy of each report with the clerk of the court of the parish of the domicile of the candidate or political committee [62]. If a political committee has no address, the report is filed with the clerk of the court of the parish of the domicile of the committee chairman [63]. Orleans Parish reports are to be filed with the clerk of the criminal district court judge of Orleans Parish [64].

Three separate reporting amounts are established under the law: a $2,000 threshold for major office candidates, $1,000 for district office candidates, and $500 for candidates for any other office [65]. The reporting amounts for the candidates the committee supports or opposes include contributions, loans, or transfers of funds [66]. The reporting threshold of committees that support or oppose candidates in more than one of the office categories is the lowest reporting amount applicable to any of the candidates supported or opposed [67].

C. Contents of Reports. Reports of political committees must contain certain information about the committee, its officers, and the candidates whom the committee is supporting [68]. The report also must contain information about the amount of cash and cash investments on hand at the end of the prior reporting period [69] and the total of all contributions received and accepted by the committee during both the reporting period [70] and the aggregating period, which is the timeframe during which contributions from the same source must be aggregated and expenditures to the same recipient must be aggregated [71]. For a political committee that supports or opposes only one candidate, the aggregating period begins at the time the committee first participates in the election and runs through the completion date of the current report [72]. For a political committee supporting or opposing more than one candidate, the aggregating period begins on January 1st of the calendar year three years prior to the calendar year and runs through the completion date of the current report [73]. Cash income from investments received during both the reporting and aggregating periods must also be reported [74].

Political committees must also report the full name and address of each person who has made contributions received and accepted by the committee that aggregate in excess of the appropriate reporting amount during the aggregating period and note the date and amount of the contributions [75]. A brief description of in-kind contributions, their valuation, and the date of the contributions is also required [76]. If multiple contributions are received in different reporting periods, causing the total contribution to exceed the reporting amount, the dates and amounts of all contributions are to be reported [77]. If, however, a previous reporting period report reflected a contribution in excess of the reporting amount, only the new, unreported contribution is to be reported [78].

The gross proceeds received and accepted by the political committee during both the aggregating and reporting periods from the sale of political items and materials and tickets to fundraising events are to be reported [79]. While purchases of political items by the same person that aggregate more than the reporting threshold must be so reported, single transactions for these materials not exceeding $25 need only be reported in gross [80]. Similar requirements for ticket purchases apply, with single transactions under $100 required only to be reported in gross [81].

Political committees must also report transfers of funds from other political committees within the reporting period, including the name and address of the other committee and the amount of each transfer [82]; the nature and source of other cash receipts received during the reporting period from any source, along with an explanation [83]; the total of all receipts for both the reporting and aggregating periods [84]; and the date and amount of each loan for campaign purposes made or received during the reporting period, together with the name and address of the lender, recipient of the proceeds, and any person who makes any type of security agreement directly or indirectly binding himself or his property for the loan's repayment [85]. The total of all loans made and received and all expenditures made by the committee during both the reporting and aggregating periods are also to be reported [86].

The total expenditures made by the committee exceeding the reporting amount during both the aggregating and reporting periods for utilities, telephone, postage, television, radio, newspapers, outdoor advertising, and other signs must be reported, along with the payee's name and address [87]. Any other expenditures aggregating in excess of the reporting amount during the reporting period must be reported, along with the amount, purpose, and date of each such expenditure and the name and address of and office sought by candidates on whose behalf such expenditures were made [88]. In-kind valuations must be made and the in-kind expenditure described [89]. Multiple expenditures to the same person across different reporting periods are to be reported in the same manner as multiple contributions from one person would be [90]. The amount and nature of debts and obligations owed by or to the political committee related to the conduct of any political campaign during both the aggregating and reporting periods are to be reported [91], as are all payments made during the reporting and aggregating periods to repay loans and the amount, date, and source [92].

The name and address of each person who was paid or reimbursed during the reporting period to provide transportation for voters to vote must be reported, along with the amount and date of the expenditures [93]. Also to be reported is the name and address of each candidate, committee, or person required to file campaign disclosure reports and who makes endorsements, to whom the committee makes any expenditure during the reporting period of more than $200, along with the amount, date, and purpose of each such expenditure and a brief description and valuation of an in-kind expenditure [94]. The name and address of each political committee to which a transfer of funds was made during the reporting period, and the date and amount of each transfer is also to be reported [95].

The total amount of disbursements from the petty cash fund during both the reporting and aggregating periods [96], the date and amount of each anonymous contribution received and the day each was transmitted under law to the state during the reporting period [97], the total amount of anonymous contributions received and transmitted during both the reporting and aggregating periods [98], the amount of cash and cash investments on hand at the audit of the reporting period [99], and all other non-expenditure disbursements made during the reporting period and their nature, the recipient, and an explanation of the disbursements must also be reported [100].

Expenditures by a public relations firm, advertising agency, or agent for a political committee are considered reportable expenditures of the political committee [101].

Candidates are required to file reports that are substantively similar in content to those required of committees [102]. Candidates must specify the total amount of monetary expenditures made by the candidate from his or her own funds during the reporting period and the total amount of the aggregating period [103]. The aggregating period for candidates begins at the time the candidate first becomes a candidate and runs through the completion date of the current report [104].

D. Filing Deadlines. Several campaign disclosure reports are required during an election period. Each candidate or committee that is participating in a race for major office is required to file a report by the 180th day before the primary election, complete through the 190th day before that election [105], and another report by the 90th day before the primary election, complete through the 100th day before the primary election [106]. A third report from major office seekers and their supporters must also be filed by the 30th day before the primary election, complete through the 40th day before the primary election [107]; this report is also required of all other office seekers and supporting committees [108]. The final preliminary report required of all candidates and committees participating in the primary is to be filed by the 10th day before the primary and is to be complete through the 20th day before the primary [109].

Each candidate and committee is also required to file a report not later than the 10th day before a general election, complete through the 20th day before the election [110]. This report serves as a final report for the election for any candidate or committee not participating in the general election, unless supplemental reports are required [111]. An additional report is required of candidates and committees not later than the 40th day after the general election, complete through the 30th day after the general election [112]. This report serves as a final report for general election participants, unless they are required to file supplemental reports [113].

The final report of a candidate who either withdraws from a race or is unopposed, as well as the final report of a committee that supports or opposes only one candidate who withdraws or is unopposed, is the next report that would ordinarily be due as of the date of withdrawal or ascertainment of the lack of opposition, unless supplemental reports are necessary [114].

A special 48-hour report may also be required before either the primary or general election from candidates or political committees. If the candidate or committee receives contributions, loans, or transfers of funds from the same source between midnight of the 20th day before any election and midnight of election day, that amounts to the reporting amount for the candidate or committee, a special report must be filed within 48 hours of that receipt and contain the same information that would ordinarily be disclosed for a reportable amount contribution [115]. A similar procedure is to be followed for any expenditures over $200 within this same period to any candidate, committee, or person required to file disclosure reports who makes endorsements [116], even though no endorsement is obtained [117].

The special 48-hour report is to be filed within 48 hours after the time the contribution or loan is received or expenditure made [118]. If this time falls at other than working hours, the report must be filed as soon as possible after the supervisory committee opens its offices on the next working day after the time the report is due [119]. The supervisory committee is not authorized to grant extensions of time for filing any reports [120].

Each political committee must also file an annual report by January 15th of each year, complete through December 31st of the previous year, unless the committee has filed another required report between December 10th and before January 15th, or if the committee has made no transfers of funds or expenditures or received no contributions, loans, or transfers during the reporting period, which begins at the close of the last report filed and ends at midnight December 31st [121]. Each candidate who has received and accepted a contribution or made an expenditure with a view to influencing his nomination or election to office, must also file an annual report by January 15th of each year unless he has filed another report after December 10th and before January 15th, has filed a supplemental report prior to January 15th, or has received no contributions, made no expenditures, and received or made no loans during the reporting period [122].

The reporting period for all required candidate reports, except the first report for an election, starts at the closing date of the last report filed, and ends at midnight of the date that the required report is to be completed [123]. The reporting period for the candidate's first report for an election begins when the candidate first becomes a candidate and ends at midnight of the date that the required report is to be completed [124]. If the candidate has filed an annual report or if the last filed report shows a deficit, the reporting period for the first report for the election begins at the completion date of the earlier report [125]. Reporting periods for political committees begin at the close of the previous report and run through the date the current report is to be completed [126], except for the first report, for which the reporting period begins when the committee is organized and runs through the date when the current report is to be completed [127].

V. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. Supplemental reports are required of all candidates and political committees whose final reports show deficits [128]. The supplemental reports must contain the same information that is to appear in the regular reports and must be filed on an annual basis by January 15th, complete through the preceding December 31st [129]. If there has been no activity in the account during the reporting period, no report is necessary [130].

B. Recordkeeping. A campaign treasurer of a committee that supports only one candidate is required to preserve records for two years after the final report, including any required supplemental report, is filed [131]. Other treasurers are required to retain records for six years [132].

VI. OFFENSES AND PENALTIES

Civil and criminal penalties may be imposed on anyone who knowingly and willfully fails to file or timely file a required report [133] or who knowingly and willfully fails to disclose or fails to accurately disclose any information required to be disclosed in the reports [134]. Civil penalties for each day until the report is filed or properly disclosed by amendment are to be not more than $500 per day, to a maximum of $10,000, for major office candidates and any treasurer or chairman of any committee supporting or opposing such a candidate; not more than $300 per day, to a maximum of $5,000, for district office candidates and their backers; and not more than $100 per day, to a maximum of $3,000, for other candidates and their supporters [135]. If a treasurer or chairman of a committee or person required to file is supporting or opposing candidates with different penalty levels, the appropriate penalty is to be the highest penalty for such candidates [136]. Criminal penalties for not filing in a timely manner will result in a sentence upon conviction of six months at a parish jail, a fine of not more than $500, or both [137], while intentionally fraudulent or false filing will bring a sentence upon conviction of not more than six months in the parish jail, a fine of not more than $500, or both [138].

Knowing and willful violations of the contribution and expenditure provisions subject violators to civil fines for each violation, as specified for reporting violations and each day of violation, if applicable, and constitutes a separate offense [139]. Criminal sanctions for knowingly and willfully violating the contribution and expenditure limitations will result in a sentence upon conviction of not more than six months in jail, a fine of not more than $500, or both [140].

VII. REGULATORY AGENCIES

A. Supervisory Committee on Campaign Finance Disclosure. The campaign finance process is overseen by the members of the board of ethics for elected officials, who serve as the supervisory committee on campaign finance disclosure [141]. The supervisory committee is empowered to investigate any apparent or alleged campaign finance violations under the law either at the initiative of three members of the committee or upon receipt of a sworn complaint filed with the supervisory committee by any person who believes a violation has occurred [142]. The supervisory committee may examine or audit records and reports filed under the campaign finance disclosure law [143], hold hearings, subpoena witnesses, compel the production of necessary documents, require sworn depositions to be taken, and use other "necessary" powers [144]. Provisions are made in the law to petition any district court to alter proceedings as required by justice to protect persons from annoyance, embarrassment, oppression, or undue burden or expense [145]. Compliance orders may be obtained from a district court to enforce a supervisory committee order or subpoena [146].

Civil proceedings to collect civil penalties may be filed in district court by the supervisory committee [147]. Criteria to be taken into consideration by the court in determining the amount of the civil penalty are set forth [148]. Judgments of the district court may be appealed suspensively to the appropriate court of appeal [149].

B. Attorney General and District Attorney. Information obtained by the supervisory committee regarding any criminal violation is to be forwarded to the district attorney of the judicial district in which the alleged violation occurred [150], unless the alleged violation involved a race for that particular office, in which case the violation is to be referred to the attorney general [151]. Only the district attorney or attorney general is permitted to initiate criminal action under the campaign finance disclosure provisions [152].

REFERENCES

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2. LRSA § 18:1483(6)(b)(i)
3. LRSA § 18:1483(6)(b)(ii)
4. LRSA § 18:1483(6)(b)(iii)
5. LRSA § 18:1483(6)(b)(iv)
6. LRSA § 18:1483(6)(c)(i)
7. LRSA § 18:1483(6)(c)(iii)
8. LRSA § 18:1483(6)(c)(iv)
9. LRSA § 18:1483(6)(c)(v)
10. LRSA § 18:1483(6)(d)
11. LRSA § 18:1505.2A
12. LRSA § 18:1505.2B
13. LRSA § 18:1505.2B
14. LRSA § 18:1505.3C
15. LRSA § 18:1505.2C
15. LRSA § 18:1505.2C
17. LRSA §§ 18:1491.40, 11:1491.2D
18. LRSA § 18:1115A; Board of Ethics for Elected Officials Advisory Opinion (hereafter Adv. Op.) No. 80-48
19. LRSA § 18:1505.2G
20. LRSA § 18:1505.2G
21. LRSA § 18:1505.3FF
22. LRSA § 18:1505.3FF
23. LRSA § 18:1483(9)(a)
24. LRSA § 18:1483(9)(b)(i)
25. LRSA § 18:1483(9)(b)(ii)
26. LRSA § 18:1483(9)(d)(i)
27. LRSA § 18:1483(9)(d)(iii)
28. LRSA § 18:1483(9)(d)(iv)

29. LRSA § 18:1483(9)(d)(11)
30. LRSA § 18:1483(9)(e)
31. LRSA § 18:1505.2A
32. LRSA § 18:1505.2B
33. LRSA §§ 18:1491.4D; 18:1495.2D
34. LRSA §§ 18:1491.4D; 18:1495.2D; 18:1491.4E; 18:1495.2E
35. LRSA §§ 18:1491.4E; 18:1495.2E; 18:1505.2E
36. LRSA § 18:1505.2D
37. LRSA § 18:1505.2G
38. LRSA § 18:1505.2C
39. LRSA § 18:1495.3H
40. LRSA § 18:1491.5H
41. LRSA § 18:1505.2F
42. LRSA § 18:1505.2F
43. LRSA § 18:1491.1A
44. LRSA § 18:1491.1A
45. LRSA § 18:1491.1A
46. LRSA § 18:1491.1D
47. LRSA § 18:1491.1B
48. LRSA § 18:1491.1B
49. LRSA § 18:1483(11)
50. LRSA § 18:1483(7)
51. Ethics Administration Program, Louisiana Campaign Finance Disclosure Act Explanatory Booklet (hereafter Booklet) 4 (1983)
52. LRSA § 18:1483(14)
53. LRSA § 18:1483(4)
54. Booklet 10
55. LRSA § 18:1484(1)
56. LRSA § 18:1484(2)
57. LRSA § 18:1484(3)
58. LRSA § 18:1501.1
59. LRSA § 18:1491.8
60. Booklet 5
61. LRSA § 18:1491.6A
62. Booklet 38
63. Booklet 38
64. Booklet 38
65. LRSA § 18:1495.4C(1)(a)
66. LRSA § 18:1491.6C(1)(a); Booklet 17
67. LRSA § 18:1491.6C(1)(a); Booklet 17
68. LRSA § 18:1491.7A
69. LRSA § 18:1491.7B(1)
70. LRSA § 18:1491.7B(2)
71. LRSA § 18:1491.7B(3); Booklet 21
72. Booklet 21
73. Booklet 21
74. LRSA § 18:1491.7B(4)
75. LRSA § 18:1491.7B(5)
76. LRSA § 18:1491.7B(5)
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78. LRSA § 18:1491.7B(5)
79. LRSA §§ 18:1491.7B(6), (7)
80. LRSA § 18:1491.7B(6)
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82. LRSA § 18:1491.7B(8)
83. LRSA § 18:1491.7B(9)
84. LRSA § 18:1491.7B(10)
85. LRSA § 18:1491.7B(11)
86. LRSA §§ 18:1491.7B(12)-(14)
87. LRSA §§ 18:1491.7B(15), (16)
88. LRSA § 18:1491.7B(17)
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92. LRSA § 18:1491.7B(19)
93. LRSA § 18:1491.7B(20)
94. LRSA § 18:1491.7B(21)
95. LRSA § 18:1491.7B(23)
96. LRSA § 18:1491.7B(22)
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100. LRSA § 18:1491.7B(26)
101. LRSA § 18:1491.7C
102. LRSA §§ 18:1495.5A-C
103. LRSA § 18:1495.5B(17)
104. Booklet 21
105. LRSA §§ 18:1491.6B; 18:1495.4B(1)
106. LRSA §§ 18:1491.6B(2); 18:1495.4B(2)
107. LRSA §§ 18:1491.6B(3); 18:1495.4B(3)
108. LRSA §§ 18:1491.6B(3); 18:1495.4B(3)
109. LRSA §§ 18:1491.6B(4); 18:1495.4B(4)
110. LRSA §§ 18:1491.6B(5); 18:1495.4B(5)
111. LRSA §§ 18:1491.6B(5); 18:1495.4B(5)
112. LRSA §§ 18:1491.6B(6); 18:1495.4B(6)
113. LRSA §§ 18:1491.6B(6); 18:1495.4B(6)
114. LRSA §§ 18:1491.6B(7); 18:1495.4B(7)
115. LRSA §§ 18:1491.6C; 18:1495.4C
116. LRSA §§ 18:1491.6C; 18:1495.4C
117. Booklet 35
118. LRSA §§ 18:1491.6C(2); 18:1495.4C(2)
119. LRSA §§ 18:1491.6C(2); 18:1495.4C(2)
120. Booklet 33
121. LRSA § 18:1491.6E
122. LRSA § 18:1495.4E
123. LRSA § 18:1495.4G
124. LRSA § 18:1495.4G
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126. LRSA § 18:1491.6G
127. LRSA § 18:1491.6G
128. LRSA §§ 18:1491.6D; 18:1491.4D
129. LRSA §§ 18:1491.6D; 18:1491.4D
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131. LRSA § 18:1491.5(H)
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133. LRSA § 18:1505.4A
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145. LRSA § 18:1511.5C(2)
146. LRSA § 18:1511.5D
147. LRSA § 18:1511.5A
148. LRSA § 18:1511.5B
149. LRSA § 18:1511.5C
150. LRSA § 18:1511.6A
151. LRSA § 18:1511.6A
152. LRSA § 18:1511.6B

CAMPAIGN FINANCE LAW
IN MAINE

I. INTRODUCTION

Maine requires candidates, political committees, state party committees, political action committees, and persons making independent expenditures of more than $50 to file information on all contributions and expenditures once before and after each election. Gubernatorial candidates are required to file additional reports. Late contributions to, or expenditures by, candidates of $1,000 or more must be reported within 48 hours. Supplemental reports of the disposition of surplus funds in excess of $50 must also be made quarterly. Individual contributions are limited to an aggregate of $25,000 in a calendar year and $1,000 per candidate per election, but a candidate and the candidate's spouse are not limited in the amount they may contribute to the candidate's own campaign. Contributions by all other entities are limited to $5,000 per candidate per election. Maine offers a taxpayer the opportunity to add $1 to the taxpayer's tax liability, with funds distributed to the political party designated by the taxpayer. The commission on governmental ethics and election practices is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a gift, subscription, loan, advance, deposit of money, or anything of value made for the purpose of influencing the nomination or election of any person to state or county office, or for the purpose of liquidating any campaign deficit of a candidate [1] or a campaign or referendum [2]; a contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make a contribution for such purposes [3]; funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source [4]; and the payment by any person other than a candidate or a political committee of compensation for the personal services of other persons that are rendered to the candidate, political committee, or campaign without charge [5]. The payment by any person or organization of compensation for the personal services of other persons rendered to a political action committee that are used by the political action committee to promote, defeat, or initiate a candidate, campaign political party, referendum, or initiated petition in the state is also a contribution [6].

A contribution does not include the value of services provided, without compensation, by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee or campaign [7]; the use of real or personal property, and the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services for campaign or candidate-related activities, if the cumulative value of such activities by the individual on behalf of any candidate does not exceed $50, with respect to any election [8]; the sale of any food or beverage by a vendor for use in any campaign at a charge less than the normal comparable charge, if the charge for use in a campaign is at least equal to the cost of the food or beverage and does not exceed $50, with respect to any election [9]; unreimbursed payment for travel expenses made by an individual who, on his own behalf, volunteers his personal services to a candidate or campaign, if the cumulative amount for the individual incurred, with respect to any one candidate or campaign, does not exceed $50 with respect to any election [10]; or the payment by a state, district, county, or municipal party committee of the costs of preparation, display, mailing, or other distribution of a printed slate card, sample ballot, or other printed listing of three or more candidates for any political office [11].

B. Maximum Aggregate Contributions. No individual, other than a candidate in making a contribution to himself or a candidate's spouse in making a contribution to that candidate, may make contributions to a candidate aggregating more than $1,000 in any election [12]. No political committee, other committee, corporation, or association may make contributions to a candidate aggregating more than $5,000 in any election [13]. No individual, other than a candidate in making a contribution to himself or a candidate's spouse in making a contribution to that candidate, may make contributions to candidates aggregating more than $25,000 in any calendar year [14].

C. Contributions Considered to be a Contribution to a Candidate. For the purpose of the limitations in subsection B above, a contribution made to any political committee authorized by a candidate to accept contributions on the candidate's behalf is considered to be a contribution made to the candidate, and all contributions made by a person, directly or indirectly, on behalf of a particular candidate, including contributions which are earmarked or directed through an intermediary or conduit, are to be treated as contributions from the person to the candidate [15]. An expenditure made by any person in cooperation, consultation, or concert with, or at the request or suggestion of a candidate, a candidate's political committee, or their agents is considered to be a contribution to such candidate, and the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees, or their authorized agents is also considered to be a contribution to that candidate [16].

D. Acceptance of Contributions by a Candidate or Political Committee. A candidate may accept contributions personally [17]. A political committee, authorized by a candidate, must appoint a treasurer before accepting any contributions [18], as must a political committee that is not authorized by a candidate but which accepts contributions or makes expenditures to promote or defeat one or more candidates [19]. A political committee formed with respect to a referendum campaign must also appoint a treasurer before accepting contributions [20].

E. Commingling of Political Committee Funds. Political committee funds are to be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee [21].

F. Solicitation by State Classified Service Personnel. No officer or employee in the state classified service may, directly or indirectly, coerce, attempt to coerce, command, or advise a state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes [22].

G. Contributions in the Name of Another. No person may make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person may knowingly accept a contribution made by one person in the name of another person [23].

H. Public Utility Contributions. Contributions or gifts to political candidates, political parties, political or legislative committees, or to any committees or organizations working to influence referendum petitions or elections, whether paid directly or indirectly, through reimbursement or otherwise, incurred by a public utility may not be included or incorporated in operating expenses [24].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure includes a purchase, payment, distribution, loan, advance, deposit or gift of money, or anything of value (except a loan of money to a candidate by a financial institution in the state, made in accordance with applicable banking laws and regulations, and in the ordinary course of business) made for the purpose of influencing the nomination or election of any person to political office for the initiation, support, or defeat of a campaign, referendum, or initiative in the state [25]; a contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure [26]; and the transfer of funds by a candidate, political committee, or political action committee [27].

An expenditure does not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical, unless the facilities are owned or controlled by any political party, political committee, or candidate [28]; nonpartisan voter registration or get-out-the-vote activity [29]; any communication by a membership organization to its members or stockholders, if the entity is not organized primarily to influence the nomination or election of any person to state or county office, or to influence a campaign or referendum [30]; the use of real or personal property, and the cost of invitations, food and beverages, voluntarily provided by an individual or political action committee to a candidate or campaign in rendering voluntary personal services for campaign or candidate-related activities, if the cumulative value of such activities by such an individual on behalf of any candidate does not exceed $50, with respect to any election [31]; any unreimbursed payment for travel expenses made by an individual or political action committee volunteering personal services, on the individual or political action committee's own behalf, to a candidate or for campaign-related activities, if the cumulative amount of the services does not exceed $50, with respect to any campaign or election [32]; any communication that is not made for the purpose of influencing the nomination or election of any person to state or county office [33]; the payment by a state, district, county, or municipal committee of a party of the costs of preparation, display, mailing, or other distribution of a printed slate card, or sample ballot, or other printed listing of three or more candidates for any political office for which an election is held [34]; or the use or distribution of any communication prepared for a previous election, and fully paid for during that election campaign, but not used or distributed in that previous election [35].

B. Expenditure by a Candidate or Political Committee. A candidate may authorize expenditures personally [36]. Each political committee authorized by a candidate must appoint a treasurer before making any expenditures [37], as must any other political committee [38] or political action committee [39].

C. Expenditures Considered to be a Contribution to a Candidate. An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's political committee, or their agents is considered to be a contribution to the candidate, as is the financing by any person of the dissemination, distribution, or reproduction, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees, or their authorized agents [40].

D. Expenditure for Liquor on Election Day. A candidate, a political committee, political action committee, party, party committee, or other persons required to file reports of campaign finances or their authorized agents are not permitted to make any expenditure for liquor to be distributed or consumed by voters while the polls are open on election day [41].

E. Maximum Aggregate Expenditures by a Political Committee. No political action committee may make aggregate expenditures exceeding $50 in any calendar year without properly registering [42]. A political action committee is limited to aggregate expenditures of $5,000 in support of or in opposition to, the candidacy of one person or to a political committee in any election [43].

IV. REPORTING REQUIREMENTS

A. Notice of Appointment of a Campaign Treasurer for a Candidate or Political Committee. A candidate or political committee appointing a campaign treasurer must notify the commission on governmental ethics and election practices of the committee's name and title, the treasurer's name and term of office, and the names and addresses of its officers within seven days after the appointment [44].

B. Notice of Party Committee Principals. The state, district, and county committees of parties must submit to the commission the names and addresses of all their officers and treasurers, and the name and address of the principal paid employee, if any, within 30 days after the appointment, election, or hiring of such persons [45].

C. Registration of a Political Committee. Every political action committee that expends, or intends to expend, more than $50 in any single calendar year to initiate, support, defeat, or influence in any way a campaign, referendum, initiated petition, candidate, political committee, or another politipolitical action committee must register with the commission [46]. The registration form must include the names and mailing addresses of the committee, its treasurer, and principal officers [47]; a statement whether the political action committee is a continuing one [48]; the names and addresses of the depositories in which committee funds are kept and the account numbers of each depository account [49]; the committee's date of origin or incorporation and the form or structure of the organization [50]; an itemized accounting of the committee's total assets at the time of registration in Maine [51]; and a statement indicating the committee's support or opposition with respect to a candidate, political committee, referendum, initiated petition, or campaign, if known at the time of registration [52]. If a committee has no position on a candidate, campaign, or issue at the time of registration, the committee must inform the commission as soon as the committee knows this information [53]. The registration form must also include the names and mailing addresses of contributors who donate in excess of $50 each year to the committee, with the amount or value of each contribution at the time of registration, including payments made on an installment basis [54].

D. Report of a Contribution to a Treasurer or Candidate. Every person who receives a contribution in excess of $10 for a candidate or a political committee, on demand of the treasurer or candidate and, in any event, within five days after receipt of such contribution, must render to the treasurer or candidate a detailed account of the contribution, including the amount of the contribution, identification of the person making the contribution, and the date it was received [55].

E. Report of Contributions and Expenditures

1. Party Committees. When a state, district, county, or municipal committee of a party makes contributions or expenditures expressly advocating the election or defeat of a candidate or candidates, other than by contributions to a candidate or a candidate's authorized political committee, in an aggregate amount in excess of $50 in an election, the committee must file a report with the commission containing an itemized account of each expenditure of an aggregate amount in excess of $50, the purpose of each, and the name of each payee or creditor [56]. The report must also contain an itemized account of each contribution and expenditure in any election of an aggregate amount in excess of $50 received, the name of the contributor [57]. Total contributions or expenditures of less than $500 in any election need not be itemized [58].

2. Federal Filers. The state committee of each party, each candidate for federal office, and the treasurer of each such candidate must file a copy of the required federal reports with the commission on the same day that the reports are required to be filed under federal law [59].

3. Candidates for Governor and Their Committees. Candidates for governor and their authorized committees must file a report with the Commission in any calendar year, other than a year in which an election for governor is held, in which the candidate and the candidate's political committee or committees received contributions in excess of $1,000 or made expenditures in excess of $1,000, not later than 5:00 p.m. on January 15th of the following calendar year or, if that date falls on a Saturday or Sunday, not later than 5:00 p.m. on the following Monday, complete as of the close of the calendar year with respect to which the report is filed [60]. A report must also be filed not later than 5:00 p.m. on the 42nd day before an election is held and be complete as of the 49th day before such date, and if no previous report was filed, this report must cover the six months immediately preceding the completion date [61]. An additional report is to be filed not later than 5:00 p.m. on the 7th day before the election is held and must be complete as of the 11th day before that date [62]. Any contribution or expenditure of $1,000 or more, made after the 11th day and more than 48 hours before any election, must be reported within 48 hours [63]. A post-election report is due not later than 5:00 p.m. on the 42nd day after the election and must be complete for the entire election campaign as of the 35th day after the election [64].

Unless any other reports are filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of $50 must be reported to the commission on the first day of each quarter of the state's fiscal year until the surplus is disposed of or the deficit is liquidated [65]. The reports may either be filed in-person or postmarked by the due date, and must set forth any contribution for the purpose of liquidating a deficit in the same manner as other contributions are to be reported [66].

4. State or County Office Candidates (other than for Governor). Each candidate for state or county office, other than governor, and his authorized treasurer must file a report with the commission not later than 5:00 p.m. on the 7th day before the election, complete as of the 11th day before that date [67]. The first reports filed in an election year are to cover the six months immediately preceding the completion date, while other reports are to be complete for the filing period [68]. Any contribution of $1,000 or more, made after the 11th day and more than 48 hours before any election, must be reported within 48 hours [69]. A post-election report is to be filed not later than 5:00 p.m. on the 42nd day after an election, complete for the filing period [70].

Unless any other reports are filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of $50 must be reported to the commission on the first day of each quarter of the state's fiscal year until the surplus is disposed of or the deficit is liquidated [71]. The reports may either be filed in-person or postmarked by the due date, and must set forth any contributions for the purpose of liquidating a deficit in the same manner as other contributions are to be reported [72].

5. Contents of a Report of Contributions and Expenditures. A required report must contain the itemized accounts of contributions received and the name, address, occupation, and principal place of business, if any, of each person who has made a contribution of an aggregate amount in excess of $50 for that report filing period, and itemized expenditures made or authorized, the purpose of each expenditure, and the name of each payee and creditor [73]. Total contributions with respect to an election of less than $500 need not be itemized [74]. The report must contain a statement of any loan of money in an aggregate amount of $500 or more to a candidate by a financial institution made during the period covered by the report, whether or not the loan is a contribution [75].

F. Report of Independent Expenditures

1. Person Advocating Election or Defeat of a Candidate. Each person other than a candidate or a candidate's authorized political committee, who makes contributions or expenditures expressly advocating the election or defeat of a clearly identified candidate, other than by contribution to a candidate or a candidate's authorized political committee, in an aggregate amount in excess of $50 with respect to an election, must file a report with the commission containing an itemized account of each expenditure, in any election, of an aggregate amount in excess of $50, the purpose of each expenditure, and the name of each payee or creditor and an itemized account of each contribution, in any election, of an aggregate amount in excess of $50 received, the name and address of the contributor, and the occupation and principal place of business, if any, of the contributor, but total contributions or expenditures of less than $500 in any election need not be itemized [76]. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and include, under penalty of perjury, a statement, under oath or affirmation, whether the expenditure is made in cooperation, consultation, or concert with or at the request or suggestion of any candidate, any authorized committee, or any agent of the candidate [77].

Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate must report any expenditures, in an aggregate amount in excess of $50, for such a communication in any election, whether or not the communication is defined as an expenditure [78].

2. Campaign for Initiation, Promotion, or Defeat of a Question. Any person who accepts contributions, in an aggregate amount in excess of $50, or who makes expenditures, in excess of $50, with respect to any campaign for the initiation, promotion, or defeat of any question must file reports with the commission [79]. Any person required to file a report must file the report for each filing period, whether or not contributions or expenditures exceed $50 in any one period [80]. A report must cover the six months immediately preceding the reporting date or the period since the completion date of a previous report on the same campaign, and be filed, in the case of the referendum procedure pursuant to the Constitution, Article IV, Part Third, Section 17, or in case of the initiative procedure pursuant to the Constitution, Article IV, Part Third, Section 18, not later than 5:00 p.m. on the 14th day after the final date provided in the Constitution for filing petitions under the procedure, with the report being complete as of that final date [81]. Additional reports must be submitted according to the following schedule: a report is to be filed with the commission not later than 5:00 p.m. on the 42nd day before the date of the referendum, complete as of the 49th day before the date of the referendum [82]; an additional report must be filed with the commission not later than 5:00 p.m. on the 7th day before the referendum, complete as of the 11th day before the referendum [83]; a contribution or expenditure of $1,000 or more, made after the 11th day and more than 48 hours before any referendum, must be reported within 48 hours [84]; and a post-election report must be filed not later than 5:00 p.m. on the 42nd day after the date on which a referendum is held, and be complete for the entire campaign as of the 35th day after that date [85].

3. Disposition of a Surplus or Deficit. The disposition of any surplus or deficit in excess of $50 must be reported to the commission on the first day of each quarter of the state's fiscal year, until the surplus has been disposed of or the deficit is liquidated [86]. The reports are to set forth any contributions for the purpose of liquidating the deficit in the same manner as contributions are set forth in other required reports [87].

4. Contents of an Independent Expenditure Report. A required report must contain the itemized accounts of contributions received, with the name, address, occupation, and principal place of business, if any, of each person who made a contribution of an aggregate amount in excess of $50 for that campaign, and the itemized expenditures made or authorized, the purpose of each expenditure, and the name of each payee and creditor [88]. Total contributions of less than $500, except when contributions in any campaign by one person in an aggregate amount in excess of $50 are included, and total expenditures of less than $500 need not be itemized [89].

G. Reports by Political Action Committees.

A political action committee that expends more than $50 on any one or more campaigns for the office of governor, for state or county office, or for the support or defeat of a referendum or initiated petition, must file reports with the commission [90]. A political action committee required to report is to file a report for each filing period, whether or not the expenditures are in excess of $50 in any one period [91].

1. Filing Deadlines for Political Action Committee Primary Election Reports. Primary election reports are to be filed on January 22nd, complete as of January 15th, covering all previous expenditures made by the committee to influence the outcome of a primary election [92]; on April 8th, complete as of April first [93]; on the seventh day before the date on which a primary election is held, complete as of the 11th day before that date [94]; and on July 22nd, complete as of July 15th, aggregating all expenditures made to influence the outcome of an election [95].

2. Filing Deadlines for Political Action Committee General Election Reports. General election reports are to be filed on January 22nd, complete as of January 15th, covering all previous expenditures made by the committee to influence the outcome of a general election [96]; on April 8th, complete as of April first [97]; on July 22nd, complete as of July 15th [98]; on October 8th, complete as of October first [99]; on the seventh day before the date on which the general election is held, complete as of the 11th day before that date [100]; and on December 22nd, complete as of December 15th, aggregating all expenditures made to influence the outcome of a general election [101].

3. Filing Deadlines for Other Political Action Committee Election Reports. Reports of political action committee spending to influence referenda, initiative, bond issue, or constitutional amendment elections must be filed on January 22nd, complete as of January 15th, covering all previous expenditures made by the committee to influence the outcome of a ballot issue campaign [102]; on April 8th, complete as of April first [103]; on July 22nd, complete as of July 15th [104]; on October 8th, complete as of October first [105]; on the seventh day before the date on which a ballot question election is held, complete as of the 11th day before that date [106]; and on December

22nd, complete as of December 15th, aggregating all expenditures made to influence the outcome of a ballot question election [107].

If a political action committee makes expenditures in excess of $50 to influence an election in a year other than the year in which that election is held, the committee must file an annual report by January 22nd of the next calendar year, complete as the close of the calendar yuear in which the expenditures were made [108]. Any expenditures of $100 or more made after the 11th day and more than 48 hours before any election must be reported within 48 hours of the expenditures [109].

When a political action committee makes expenditures in excess of $50 to influence a special election, the committee must file reports on the 42nd day before the date on which the special election is held, complete as of the 49th day before that date, covering all expenditures made to influence the outcome of the special election [110]; on the seventh day before the special election, complete as of the 11th day before that date [111]; and on the 42nd day after the special election, complete as of the 35th day after that date, aggregating all expenditures made to influence the election [112].

4. Contents of Political Action Committee Reports. Reports are to contain the names and mailing addresses of any candidate whom the committee supports, intends to support, or seeks to defeat [113]. The report must indicate the office that the candidate is seeking, the candidate's party, and the date and nature of the election [114]. The names and mailing addresses of any political committee, political action committee, or political party, supported in any way by the filer [115], and the referendum or initiated petition that the committee supports or opposes, and the names and mailing addresses of the organizations to which expenditures were made, must also be included [116]. An itemization must be made of each expenditure in support of, or opposition to, any candidate, campaign, political committee, political action committee, political party, or initiated petition and the date of the expenditure [117], and the aggregate of these and all other expenditures must be disclosed [118]. The names and mailing addresses of contributors of more than $50 to the committee must also be included, along with the amount contributed by each donor and the date of the contribution [119]. The commission may accept computer printout sheets that contain the required information [120].

5. Termination Reports for Political Action Committees. Whenever any political action committee disbands or determines that obligations will no longer be incurred, and no expenditures will be made to any candidate, political committee, or political party, or to initiate, support, defeat, or influence in any way the outcome of a referendum, initiated petition, election, or primary, and the committee has no outstanding obligations, it must file a termination report with the secretary of state [121]. If a termination report is not filed, the committee must continue to file periodic reports as required [122].

V. PUBLIC FINANCING PROVISIONS

A. Tax Return Designations Paid to a Political Party. Tax return designations are paid over to the political party specified on the income tax return [123].

VI. TAX PROVISIONS

A. Tax Return Designation. Every individual resident who is entitled to an income tax refund may designate that one, five, ten, or another dollar amount of the refund be paid over to any specified political party [124]. An individual resident who is not entitled to a refund may add to his tax liability for the same purpose [125].

VII. POST-ELECTION REQUIREMENTS

A. Supplemental Post-Election Reports. Certain post-election reports must be filed by candidates, political party committees, political committees, and political action committees, and have been detailed above. Reports must also be filed on a quarterly basis, until surpluses have been disposed of or deficits liquidated [126].

B. Record Retention. The treasurer of a political committee or candidate is required to preserve all receipted bills and accounts, to be kept under the provisions for campaign reports and finances for two years following the final report required to be filed for the election to which they pertain, unless otherwise ordered by the commission or a court [127]. The treasurer of a political committee formed with respect to a referendum campaign, or other person accepting more than $10 on the committee's behalf, must follow the same procedures [128]. The treasurer of a political action committee is required to retain all receipts of expenditures made for a candidate, committee, or campaign in Maine for a four-year period [129].

VIII. OFFENSES AND PENALTIES

A. Civil Penalties. A penalty of $10 is imposed for each business day that a report required to be filed by any person or committee, other than a political action committee, has not been filed [130], for which the fine is $50 per day [131]. A late report filed within ten days of any deadline, except a report required to be filed seven or eleven days before an election, is not subject to penalty [132]. Failure to pay the full amount of any penalty is a civil violation [133].

B. Criminal Penalties. A violation of any other provision of the campaign finance provisions is a Class E crime [134].

IX. REGULATORY AGENCIES

A. Commission on Governmental Ethics and Election Practices. The commission on governmental ethics and election practices consists of seven members, with six selected by the state house of representatives and senate leadership and one selected by the members so appointed [135]. No person may be appointed who is, or was, a member of the legislature; who was a declared candidate for an elective county state, or federal office within two years prior to the appointment; or who currently holds an elective county, state, or federal office [136].

The commission is to determine whether a required report received after the deadline is late and if so the number of days of lateness, and must notify the secretary of state of the lateness [137]. The commission also mails forms for required reports to candidates and committees at least seven days prior to the filing date for the report [138].

The commission is empowered to administer and investigate any violations of the requirements for campaign reports and campaign financing [139], and may, in the performance of its duties, call for the aid of, or assistance by, the attorney general, secretary of state, or state auditor [140].

The commission is also empowered to investigate to determine the facts concerning contributions to, and expenditures by, any person, candidate, or political action committee, and may subpoena witnesses and record and take evidence under oath [141]. Any person may make written application to the commission requesting an investigation concerning contributions and expenditures, and the commission must review the application and make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred [142].

B. Secretary of State. The secretary of state prepares the campaign contribution and expenditure report forms for the commission [143]. If a report is determined by the commission to be late, the secretary of state has initial responsibility for collecting the penalty within 30 days after receiving the notice of lateness from the commission and is given all necessary powers to carry out the responsibility [144]. Thirty days after receiving notice of the lateness of any report, the secretary of state must report to the attorney general the name of any person who has failed to pay the full amount of any penalty [145].

The secretary of state is also responsible for assisting the commission in making investigations and in other phases of the commission's duties, as requested by the commission, and has all necessary powers to carry out these responsibilities [146].

C. Attorney General. Upon receiving notice from the secretary of state that a person has failed to pay the full amount of a late filing penalty, the attorney general must enforce the violation in a civil action to collect the full amount outstanding in the Superior Court for the County of Kennebec or the District Court, 7th District, Division of Southern Kennebec [147].

The attorney general is required to prosecute any Class E crime committed under the campaign reporting and finance provisions [148]. The attorney general also serves as counsel for the commission and may examine any witnesses before the commission [149].

D. State Auditor. The state auditor is to assist the commission in making investigations and in other phases of the commission's duties, and has all necessary powers to carry out such responsibilities [150].

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6. MRSA tit. 21-A § 1032(2)(A)(4)
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17. MRSA tit. 21-A § 1013(1)
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20. MRSA tit. 21-A § 1033
21. MRSA tit. 21-A § 1016(1)
22. MRSA tit. 37 § 679-A(2)
23. MRSA tit. 21-A § 1004(3)
24. MRSA tit. 21-A § 61-A
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33. MRSA tit. 21-A §§ 1012(3)(B)(6); 1052(4)(B)(6)
34. MRSA tit. 21-A § 1012(3)(B)(7)
35. MRSA tit. 21-A § 1012(3)(B)(8)
36. MRSA tit. 21-A § 1013(1)
37. MRSA tit. 21-A § 1013(2)
38. MRSA tit. 21-A § 1013(3)
39. MRSA tit. 21-A § 1054
40. MRSA tit. 21-A § 1015(5)
41. MRSA tit. 21-A §§ 1015(6); 1056(2)
42. MRSA tit. 21-A § 1051
43. MRSA tit. 21-A § 1056(1)
44. MRSA tit. 21-A § 1013(1)-(3)
45. MRSA tit. 21-A § 1013(4)
46. MRSA tit. 21-A § 1053
47. MRSA tit. 21-A §§ 1013(2),(3); 1053(1)
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86. MRSA tit. 21-A § 1037(2)(F)
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121. MRSA tit. 21-A § 1061
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123. MRSA tit. 36 § 5283
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CAMPAIGN FINANCE LAW
IN MARYLAND

I. INTRODUCTION

Maryland requires all candidates receiving contributions of, or spending, $300 or more, political committees, and political clubs spending more than $51, to file one report before any election and a single report after a general election. Supplemental reports of the disposition of a surplus or deficit are also required. An individual or non-party entity is limited to an aggregate of $2,500 in contributions per election and $1,000 per candidate per election. A candidate and the candidate's spouse are not limited in the amount they may contribute to the candidate's own campaign, and political party contributions are not limited. Cash contributions must be $100 or less, and anonymous contributions are prohibited. Maryland offers no tax incentives for political contributions but provides for public funding of election campaigns, with expenditure limitations. The state administrative board of election laws is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is the gift, transfer, or promise of a gift or transfer of money or other thing of value to any candidate or his representative or to a representative of any political party or partisan organization to promote, or assist in the promotion of, the success or defeat of any candidate, political party, principle, or proposition submitted to a vote at any election [1]. The personal expenses of the candidate for filing fees, telegrams, telephone, travel, and board are not considered to be contributions if paid for by the candidate or the candidate's spouse [2].

B. Limitations on Nature of Contributions. All contributions designed to aid or promote the success or defeat of any political party, principle, proposition, or candidate are to be made to the candidate's treasurer or subtreasurer or the treasurer of a political committee in his official capacity [3]. Contributions may be made directly to a candidate as long as the candidate reports the contribution to his treasurer [4]. A contribution intended to conceal the true identity of the actual contributor or the identity of the intended recipient is prohibited [5]. No loans may be made to the campaign of a candidate or accepted on behalf of the campaign without the candidate's express written consent, which is to be furnished to the lender at the time of the loan and attached to the appropriate campaign fund report [6]. An anonymous contribution is to be paid by the recipient to the treasurer of the state [7]. All contributors must be issued "campaign contribution receipts" [8]. State and local government employees are not obligated to contribute or render political service [9].

C. Limitations on Amounts of Contributions. Contributions from any individual, association, unincorporated association, corporation, or any other entity to any candidate is limited to $1,000 in any primary, general, or special election [10], except those from a candidate or his spouse [11]. A contribution of $1,000 each to a candidate for governor and a candidate for lieutenant governor, running on the same ticket in each election, is permited [12]. Contributions of more than $100 must be made by check [13]. Contributors are limited to total contributions of $2,500 in any primary election and $2,500 in a general election [14]. Contributions given for the specific purpose of supporting or defeating ballot questions are not subject to limitations, but must be reported. Certain transfers of funds are exempt from the contributions limits [15]. These include transfers from one candidate's treasurer to another candidate's treasurer [16]; from the treasurer of a committee to the treasurer of another committee [17]; from a candidate's treasurer to the treasurer of a committee [18]; and from the treasurer of a committee to a candidate's treasurer [19]. Transfers to or from political clubs are, however, subject to the contribution limitations [20]. Records of the names and addresses of contributors must be retained for two years after filing a final report, along with information on the date and amount of the contributions [21]. In-kind contributions of time, personal vehicles, or monetary expenditures for legal expenses associated with maintaining or contesting the result of the election are not limited.

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is any gift, transfer, disbursement, or promise of money or valuable thing by any candidate, treasurer, or other agent of a candidate, political party, or partisan organization to promote, or assist in the promotion of, the success or defeat of any candidate, political party, principle, or proposition submitted to a vote at any election [23].

B. Limitation on Nature of Expenditures. All expenditures must be disbursed by or through the treasurer [24] and must be made by check from a designated campaign depository [25], with the exception of a petty cash fund of up to $250 which may be maintained and supported by vouchers [26]. No more than an aggregate amount of $25 may be disbursed from the petty cash fund to a single recipient in any primary or general election [27]. Records must be retained for two years after the filing of the final report that show the names and addresses of those to whom expenditures were made and the dates, amounts, and purposes of the expenditures [28].

Independent expenditures by any person expressing his personal views on any subject, hiring halls, holding receptions, and buying newspaper space or radio or television time are permitted as long as the statement or advertisement notes that the views are the person's own and the statement is identified as a paid political advertisement [29].

Candidates, states, political committees, or parties, and those operating on behalf of any of these entities, are prohibited from directly or indirectly paying anything of value in return for a political endorsement, "walk-around services," or any other services as a poll worker or distributor of sample ballots on election day [30].

C. Limitation on Expenditures by Publicly-Financed Candidates. A public contribution may be expended only with the authority of the candidate or his treasurer [31] to further the candidate's nomination or election [32], for expenses incurred not later than 30 days after the election for which they were made [33], and for purposes that are not violative of state law [34].

The treasurer of a candidate who applies for and accepts public contributions from the fair campaign financing fund may not spend in excess of the following expenditure limits on behalf of the candidate for an office in an election (amounts in cents per person multiplied by the population of the area in which the election is to be held):

Office Sought	Primary	General
Governor/Lt. Governor	10	10
Attorney General/Comptroller	2.5	2.5
State Senate	10	10
House of Delegates	5	5
State's Attorney	greater of 2.5 or $2,500	greater of 2.5 or $2,500
Other State Offices	greater of 1 or $1,000	greater of 1 or $1,000
County Executive/ Mayor of Baltimore	greater of 7.5 or $5,000	greater of 7.5 or $5,000
President, Baltimore City Council/Comptroller, Baltimore	5	5
Baltimore City Council/ Other Baltimore Citywide or Countywide	greater of 2.5 or $2,500	greater of 2.5 or $2,500
Other County Offices/ School Boards	greater of 1 or $500	greater of 1 or $500
Publicly-elected Political Party Offices	greater of 0.5 or $1,000	NOT APPLICABLE

[35]. In a general election a political party may spend in support of a candidate of the political party the greater of $250 or one-quarter cent per person for the population of the area from which the candidate seeks to be elected in addition to the expenditure limit [36]. The expenditure limits are to be adjusted annually on January 1st by the board to reflect changes in the consumer price index [37].

IV. REPORTING REQUIREMENTS

A. Registration. Each candidate for nomination or election to public or party office in Maryland is required to designate one campaign treasurer with the appropriate county board of supervisors of elections or the state administrative board of election laws, depending upon which entity the candidate is required to file a certificate of candidacy with prior to qualifying as a candidate [38]. Every local or statewide party governing body or central committee [39]; all partisan organizations which are combinations of two or more persons formed to promote the success or defeat of any candidate, political party, principle, or proposition to be voted upon [40]; and all political committees, which are combinations of two or more persons appointed by a candidate or any other person, or formed in any other manner that promotes the success or defeat of any candidate, political party, principle, or proposition to be voted upon [41], must also designate a treasurer (and a chairman), who must be a registered voter of the state, and notify the entity with which it is to file reports of contributions and expenditures [42].

All candidates for nomination or election to public or party office, including write-in candidates, and their treasurers are to file a report with the board at which the candidate filed his certificate of candidacy containing information about all contributions received or expenditures made in furtherance of a candidate's nomination by the candidate personally or, with the knowledge of the candidate, by any other person or group of persons [43]. The chairman and treasurer of any central committee or political committee are also required to file such reports with the state administrative board of election laws [44].

If any committee or political club directly or indirectly expends $51 or more to aid or oppose any candidate, regardless of the purpose for which the committee is formed, the treasurer of the committee is required to make a statement of contributions and expenditures to the treasurer of the candidate [45], and if a political club is involved, an officer of the club is only required to report to the candidate's treasurer that amount that is actually contributed [46]. These provisions are to apply to committees located outside of Maryland with respect to any expenditure of funds within the state [47].

After filing a certificate of candidacy, any candidate is permitted to join a group, combination, or organization of candidates, or late, and notify the board with which filing was made of this fact [48]. The treasurer of the late then reports in the same manner as a political committee is required to report [49].

B. Place of Filing. The chairmen and treasurers of all committees, other than central or political committees, must file reports with the local board of the county, or Baltimore city, at which a candidate supported or opposed by the committee filed for candidacy [50]; the local board of the county, or Baltimore city, in which the committee has promoted the success or defeat of a local principle or local proposition [51]; the state administrative board of election laws if a candidate supported or opposed by the committee has filed for candidacy with that board [52], or if the committee has promoted the success or defeat of a political party, statewide principle or proposition, or another principle or proposition submitted to a vote in more than one county [53]; the local and state boards if the committee supported or opposed candidates filing their certificates of candidacy with both boards [54]; and the local and state boards if the committee supports or opposes both a local and a statewide principle or proposition [55].

All reports, other than those filed with the state administrative board of election laws, are to be filed in duplicate [56].

C. Filing Deadlines. Each report is to be complete through the 7th day before the report is to be filed [57]. The initial report is to contain all contributions received and expenditures made since the last preceding election to fill the office which the individual is seeking [58]. Subsequent reports are to cover activities since the end of the period for which the last preceding report is filed [59]. Even if no contributions were received or expenditures made during the reporting period, a report must be filed [60]. No other reporting periods are specified for committees, so it must be assumed that their reporting periods are to be aligned with those of the candidates, principles, and propositions that they support or oppose. All candidates and committees must file consecutive reports, the first not later than the fourth Tuesday before the primary election [61]; another not later than the second Friday before any election, to be complete through and including the preceding Sunday [62]; and another not later than the third Tuesday after the general election [63]. Additional reports from candidates are also required six months after the last general election [64]; one year after the general election [65]; and annually on the anniversary of the general election, if a cash balance exists or if any unpaid bills or deficits remain at the end of the reporting period [66]. If all such items have been eliminated, a final report is to be filed on or before the due date of the next report showing all transactions since the most recent report [67].

Filing is considered to be on time if the report is mailed and postmarked on or before the filing deadline [68].

D. Exemptions from Reporting. If a candidate does not intend to receive contributions or make expenditures of $300 or more, exclusive of the filing fee, the candidate and treasurer are permitted to file an affidavit to that effect with the appropriate board, in lieu of other required reports [69]. If, however, the cumulative contributions to or expenditures by the candidate equal or exceed $300, the candidate and treasurer are to file all subsequent required reports [70].

V. PUBLIC FINANCING PROVISIONS

A. General Provisions. Maryland has established a fair campaign financing fund that is administered by the comptroller, and allocated by the state administrative board of election laws [71]. Public financing is available to candidates for statewide elective office, general assembly, state's attorney, other state offices; mayor, president of the city council, members of the city council of Baltimore, and other Baltimore citywide offices; county executive and countywide offices including county school board, in primary and general elections, and publicly-elected political party offices in primary elections [72]. The fund is to be distributed with 25 percent allocated to campaigns for election to the general assembly [74], and 35 percent available for campaigns for election to any other qualified office, except that money from the fund may not be available to finance a publicly-elected political party office [75]. If the state board determines that there is not, or may not be sufficient money in the fund to provide a full public contribution to all eligible candidates, the board must then allocate a pro rata share of the full public contribution to which they would otherwise be entitled [76].

B. Qualifying for Public Contribution. In an election a candidate is entitled to receive a matching public contribution if the candidate lawfully raises private campaign contributions from individuals that is the greater of either $250 or 15 percent of the maximum campaign expenditure limit for a primary election for the same office in contributions of not more than $50 from an individual [77]; the private contributions received are only refundable in the event of the withdrawal of the candidate's name from the ballot [78]; and on certification by the treasurer on prescribed forms that the seed money raised was raised in accordance with the law, and certification by the candidate's depository that the money was collected not later than 45 days prior to the election [79].

Contributions of up to $50 from an individual are eligible for matching, but no private campaign contribution raised more than one year before, or less than 45 days prior to an election for which a public contribution is sought, may be matched [80]. No private campaign contribution to a candidate for a publicly-elected political party office may be matched [81].

An application for public contribution must include the names and addresses of each contributor and the date and amount of each contribution [82].

C. Determination of Amount of Funding. A qualified candidate for statewide office is entitled to receive a three dollar public contribution for each one dollar of eligible private contributions, but the total may not exceed an amount equal to 75 percent of the maximum primary election limit, and a candidate for a publicly-elected political party office may not receive a public contribution [83].

A qualified candidate for nonstatewide office is entitled to receive a two dollar public contribution for each one dollar of eligible private contributions, but the total may not exceed an amount equal to 66 2/3 percent of the maximum primary election limit, and a candidate for a publicly-elected political party office may not receive a public contribution [84].

An independent candidate or nominee of any party who was unopposed in the primary must raise and certify to the state board that he has lawfully raised an amount from individuals that is the greater of $250 or 15 percent of the maximum campaign expenditure limit provided for a primary election for the same office [85].

VI. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. Certain supplemental reports of contributions and expenditures are required six months after the general election, if any cash balance exists or if any unpaid bills or deficits remain to be paid as of the last pre-election report [86]; one year after the general election for a balance, deficit, or any unpaid bills showing on the post-election report [87]; and annually on the anniversary of the general election until resolved [88].

B. Disposition of Surplus Funds. Any surplus funds that remain after paying all campaign expenditures are to be either returned on a pro rata basis to contributors; paid to the local or state central committee of the candidate's party or the party for which the political committee is acting, provided that the central committee is located in a county in which the candidate resides or seeks to represent; paid to the local board of education or a recognized nonprofit education organization; or paid to a charitable organization before the final report is required to be filed [89].

C. Disposition of Unspent Public Contribution. Any unspent portion of a public contribution must be repaid to the comptroller for redeposit in the fair campaign financing fund not later than 60 days following the election for which the public contribution was granted [90]. When computing whether there is an unspent portion of a public contribution, all private contributions to the candidate are presumed as spent prior to any expenditure of the public contribution [91].

VIII. OFFENSES AND PENALTIES

Late filing fees for reports are fixed at $10 for each working day or part of a day that reports are overdue, to a maximum of $250 [92]. Late filing fees may not be directly or indirectly paid from contributions to the candidate or committee and, when paid, do not constitute either a contribution or an expenditure [93]. When a report is overdue for more than 30 days, the state administrative board of election laws is to issue the treasurer and chairman of a political committee, or a treasurer and candidate a "show cause" notice, asking why the appropriate state's attorney should not be requested to prosecute [94]. Failure to file and pay late fees within 30 days after service of this notice means that candidates, treasurers, and chairmen are guilty of a misdemeanor and subject to a fine of not more than $1000, one year's imprisonment, or both, at the discretion of the court [95]. Similar sanctions apply for incomplete or deficient filing not corrected within 30 days after service of notice [96]. Successful candidates may not be deemed elected, or be sworn into office, until all reports have been filed [97]. Incumbents who fail to pay necessary late filing fees will have portions of their salary withheld; the entire salary may be withheld until all reports have been filed [98]. The late filing fee may be waived for cause [99].

False, fraudulent, or misleading statements or entries willfully made in any statement or account, under oath, constitute perjury [100]. Certain prohibited practices, such as participation in bribery [101], making contributions other than to treasurers [102], making contributions in the name of another [103], employers coercing employees to influence their political actions or opinions [104], or violating other contribution or expenditure provisions, subjects a violator to a fine of not more than $1,000, imprisonment of not more than one year, and ineligibility for any party or public office for four years from the commission of the offense [105]. The appropriate state's attorney is responsible for enforcing this provision [106].

The secretary of state may seek an immediate injunction against any violation of the fair election practices provisions [107]. Violations of an injunction are punishable as criminal contempt and, upon conviction, offenders are to be sentenced to not more than 30 days in jail and fined not more than $250 [108].

The penalty for violating a provision of the fair campaign financing act is a fine of not more than $5,000 or imprisonment for not more than one year, or both for each violation [109]. Upon conviction, a person shall be prohibited from holding public office for a period of five years [110].

IX. REGULATORY AGENCIES

A. State Administrative Board of Election Laws. The state administrative board of election laws administers the fair election practices process. The board is responsible for summarizing and distributing copies of the election laws and specimen forms to candidates and specimen forms to county boards of supervisors of elections [111]. The board is the filing entity for registration of candidates and political committees [112]. The board must certify all reports and statements of successful candidates and is reponsible for enforcing the filing requirements [113].

The board is also responsible for allocating and distributing funds from the fair campaign financing fund [114]. The Board may call upon the comptroller for assistance in the administration of the fund [115]. The state board has the sole right and responsibility for ordering a disbursement from the fund [116].

B. Secretary of State. The secretary of state is authorized to seek an immediate injunction against any violation of the fair election practices provisions [117].

C. Comptroller. The state comptroller of the treasury is responsible for the administration of the fair campaign financing fund [118]. The comptroller is required to submit a statement of the fund's balance to the state board at the state board's request, and on May 15 of each year [119]. The comptroller disburses the authorized public contribution to the candidate's designated depository [120].

D. State Archives. The state archives is responsible for the preservation of reports, statements, and accounts transferred to it by the filing authorities after the statutory period for their retention with the appropriate filing officer expires [121].

REFERENCES

1. Maryland Election Code Annotated Article 33 (hereafter MECA) § 1-1(5)
2. MECA § 26-8(a)
3. MECA § 26-9(a); but see, Opinions of the Maryland Attorney General (hereafter Op. Att'y Gen.) December 28, 1983
4. MECA § 26-9(a)
5. MECA § 26-9(c)(3)
6. MECA § 26-8(b)
7. MECA § 26-7(c)
8. MECA § 26-7(b)
9. MECA § 28-1(c)
10. MECA § 26-9(b)
11. MECA § 26-8(a)
12. Op. Att'y Gen. July 14, 1978
13. Op. Att'y Gen. July 14, 1978
14. Op. Att'y Gen. July 14, 1978
15. MECA § 26-9(c)(1)
16. MECA § 26-9(c)(1)(i)
17. MECA § 26-9(c)(1)(i)
18. MECA § 26-9(c)(1)(i)
19. MECA § 26-9(c)(1)(i)
20. MECA § 26-9(c)(2)
21. MECA § 26-7(a)
22. MECA § 26-9(a)
23. MECA § 1-1(7)
24. MECA § 26-2(a)
25. MECA § 25-5(b)
26. MECA § 26-5(c)
27. MECA § 26-5(c)
28. MECA § 26-7(a)
29. MECA § 26-9(a)
30. MECA § 26-9.1(a)
31. MECA § 31-6(a)(1)

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32. MECA § 31-6(a)(2)
33. MECA § 31-6(a)(3)
34. MECA § 31-6(a)(4)
35. MECA § 31-3(a)
36. MECA § 31-3(f)
37. MECA § 31-3(c)
38. MECA §§ 26-3(a)(1);26-3(c)
39. MECA § 1-1(a)(4a)
40. MECA § 1-1(12)
41. MECA § 1-1(14)
42. MECA § 26-4(a)
43. MECA § 26-22(a)
44. MECA § 26-11(c)(1)
45. MECA § 26-4(b)
46. MECA § 26-4(b)
47. MECA § 26-4(b)
48. MECA § 26-3(e)
49. MECA § 26-3(e)
50. MECA § 26-11(d)(1)
51. MECA § 26-11(d)(2)
52. MECA § 26-11(d)(3)
53. MECA § 26-11(d)(4)
54. MECA § 26-11(d)(5)
55. MECA § 26-11(d)
56. MECA § 26-11(d)
57. MECA § 26-11(a)
58. MECA § 26-11(a)
59. MECA § 26-11(a)
60. MECA § 26-11(a)
61. MECA § 26-11(a)(1)
62. MECA § 26-11(a)(2)
63. MECA § 26-11(a)(3)
64. MECA § 26-11(a)(4)
65. MECA § 26-11(a)(5)
66. MECA § 26-11(a)(6)
67. MECA § 26-11(a)(7)
68. MECA § 26-11(e)
69. MECA § 26-11(a)(8)
70. MECA § 26-11(a)(8)
71. MECA § 31-4(a)
72. MECA § 31-3(a)
73. MECA § 31-4(b)(1)
74. MECA § 31-4(b)(2)
75. MECA § 31-4(b)(3)
76. MECA § 31-4(c)
77. MECA § 31-5(a)(1); *see* § 31-2(1)
78. MECA § 31-5(a)(2)
79. MECA § 31-5(a)(3)
80. MECA § 31-5(b)
81. MECA § 31-5(b)
82. MECA § 31-5(c)
83. MECA § 31-5(d)(1)
84. MECA § 31-5(d)(2)
85. MECA § 31-5(d)(2)
86. MECA § 26-11(a)(4)
87. MECA § 26-11(a)(5)
88. MECA § 26-11(a)(6)
89. MECA § 26-7(d)
90. MECA § 31-6(b)
91. MECA § 31-6(b)
92. MECA § 26-13(a)
93. MECA § 26-13(a)
94. MECA § 26-13(c)
95. MECA §§ 26-13(c); 26-20
96. MECA § 26-13(d)
97. MECA § 26-13(e)
98. MECA § 26-13(f)
99. MECA § 26-13(h)
100. MECA § 26-15
101. MECA §§ 26-16(a)(1)-(3)
102. MECA § 26-16(a)(4)
103. MECA § 26-16(a)(5)
104. MECA § 26-16(a)(6)
105. MECA § 26-16(b)
106. MECA § 26-16(c)
107. MECA § 26-16
108. MECA § 26-16
109. MECA § 31-8
110. MECA § 31-8
111. MECA § 26-2
112. MECA § 26-3,4
113. MECA § 26-13(e)
114. MECA § 31-4(a)
115. MECA § 31-4(d)
116. MECA § 31-4(e)
117. MECA § 26-21
118. MECA § 31-4(a)
119. MECA § 31-4(d)
120. MECA § 31-4(e)
121. MECA § 26-14

CAMPAIGN FINANCE LAW
IN MASSACHUSETTS

I. INTRODUCTION

Massachusetts requires all candidates and political committees to file information on all contributions and expenditures. Candidates for the general assembly file a report before each election and an annual report, while other candidates at the state level and committees file one report in the year following a general election. Individuals other than candidates contributing to their own campaign are limited to contributing $1,000 per candidate per year, and minors are limited to $25 per year. Direct corporate contributions to campaigns other than those involving referenda are prohibited, but all other contributions are not limited. Cash contributions must be $50 or less. Massachusetts offers a taxpayer the opportunity to add one dollar (two dollars for a joint return) to the taxpayer's tax liability, with funds distributed to candidates for statewide office in both the primary and general elections. The director of campaign and political finance is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a contribution of money or anything of value to an individual, candidate, political committee, or person acting on behalf of the individual, candidate, or political committee, for the purpose of influencing the nomination or election of the individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and encompasses any gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank, made in accordance with the applicable banking laws and regulations and in the ordinary course of business; transfer of money or anything of value between political committees; payment, by any person other than a candidate or political committee, or compensation for the personal services of another which are rendered to the candidate or committee; purchase from an individual, candidate, or political committee, or person acting on behalf of an individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for fundraising activities, including testimonials held on behalf of the individual, candidate, or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; discount or rebate not available to other candidates for the same office and to the general public; and forgiveness of indebtedness or payment of indebtedness by another person [1].

Any receipt of any money or anything of value by an individual, or person acting on behalf of the individual which is not otherwise a contribution, resulting from any purchases from the individual, or any person acting on behalf of the individual, whether through the device of tickets, advertisements, or otherwise, for any fundraising activity including a testimonial held on behalf of the individual, regardless of the purpose of the activity is deemed to be a contribution if the individual is a candidate for nomination or election to public office by virtue of official action to qualify, receipt of contributions or making of expenditures (or consenting thereto on his behalf) for the purpose of influencing his nomination or election; holds elective public office, whether elected or appointed at the time of the receipt; or becomes a candidate subsequent to the receipt [2].

A contribution does not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers, or others, nor the payment by those rendering incidental services of such personal expenses, nor the exercise of ordinary hospitality [3].

B. Limitations on Nature of Contributions. A political committee may accept a contribution of common stock, subject to certain restrictions [4]. The stock certificate must be liquidated within five business days so as not to violate the restrictions against certain investments by political committees [5]. The value of the contribution must be determined at the time of the redemption of the stock certificate, and may not exceed the contribution limitations [6]. The stock must clearly be owned by individuals, and may not be stock issued from the corporate treasury or stock directed to be given by the corporate board of directors [7].

No person acting under the authority of or on behalf of, any political committee may receive any money or anything or value without a qualified treasurer being appointed, or without the name and address of any of the committee's officers or members being filed in accordance with the law [8]. All funds of a political committee must be kept separate from any personal funds of officers, members, or associates of the committee [9], but a candidate may obtain a personal loan from a national or state bank in accordance with applicable banking laws and regulations and in the ordinary course of business, and then make a loan to his political committee to defray permissible campaign expenditures, with the political committee permitted to use public financing funds to repay the candidate directly [10]. Contributions may be placed in a savings account or money market to earn interest, but may not be otherwise invested [11], although the office of campaign and political finance has approved investments in repurchase agreements [12].

A political committee organized or operating on behalf of a candidate for governor, lieutenant governor, attorney general, state secretary, treasurer, receiver general, or auditor may not contribute to any other political committee or to the campaign fund of any other candidate [13]. The state committee of a political party may, however, make such contributions [14]. Any other duly organized political committee may contribute to other political committees, and may contribute to the campaign fund of a candidate if the aggregate of all such contributions made by a comittee organized on behalf of a candidate to another non-elected political committee organized on behalf of a candidate does not exceed $100 in any one calendar year, and the aggregate of all such contributions made by a committee organized on behalf of a candidate to other unelected political committees organized on behalf of candidates does not exceed $1,500 in any calendar year [15]. A political committee organized on behalf of a Massachusetts candidate may not receive a contribution from a political committee solely organized to comply with the provisions of the federal election campaign act [16].

Massachusetts law prohibits any corporate contribution of any thing of value specifically to promote or oppose a candidate for state, county, or local office, but a corporation may make such contributions to referenda committees [17].

C. Limitations on Amounts of Contributions by Individuals. Campaign contributions by individuals to candidates of non-elected political committees organized on behalf of candidates are limited to an aggregate of $1,000 in any one calendar year for the benefit of any one candidate and the non-elected political committee organized on that candidate's behalf [18]. These restrictions also apply to a candidate for state office who is an employee of a state agency [19]. In addition, an individual may make campaign contributions for the benefit of elected political committees or non-elected political committees in an amount not to exceed $1,000 in any one calendar year for the benefit of the political committees of any one political party [20]. An individual may also contribute not more than $1,000 in any calendar year to non-elected political committees not organized on behalf of any candidate or candidates or political party, and any candidate may make unlimited contributions for the benefit of non-elected political committees organized on his behalf [21]. An individual less than 18 years of age may not make campaign contributions in excess of $25 in the aggregate during any one calendar year [22].

D. Limitations on Solicitations. No person, political committee, or person acting under the authority of a political committee or on its behalf, may demand, solicit, ask, or invite from a candidate for nomination or election to public office, or a person occupying an elective office, any payment of gift of money or other valuable thing, or promise or payment or gift of money or other valuable thing, or promise or payment or gift of money or other valuable thing for advertising, gratuities, donations, tickets, programs, or any other purpose, and no such a candidate for nomination or election, and no one occupying an elective public office may make any such payment or gift, or promise to make any such payment of gift, to any person, political committee, or any person acting under authority of a political committee, if the person or political committee has demanded, solicited, asked, or invited from him any such payment, gift, or promise of payment or gift [23]. This section does not apply to the soliciting or making in good faith of gifts for charitable or religious purposes [24].

No political committee, and no person acting under its authority or in its behalf, may demand or solicit from any candidate for nomination, or from one acting in the candidate's behalf, a payment of money as a prerequisite to his obtaining from the committee or its agent required nomination papers [25.]

No person employed for compensation, other than an elected officer, by the Commonwealth or any county, city, or town may serve as the treasurer of a political committee, or may directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office of of any political committee, or for any political purpose, but such persons may become members of political organizations or committees [26]. The soliciting or receiving of any gift, payment, contribution, assessment, subscription, or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city, or town, is not deemed to be a direct or indirect solicitation or receipt of such contribution by that person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if the person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility [27]. Solicitation of political contributions in public buildings is also forbidden [28].

No officer, clerk or other person in the service of the Commonwealth or of any county, city or town may, directly or indirectly, give or deliver to an officer, clerk or person in government service or to any councillor, member of the general court, alderman, councilman, or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever, however a person holding elective public office may contribute to a candidate or to an elected or non-elected political committee [29]. No person in the public service may, for that reason, be under obligation to contribute to any political fund, or to render any political service, and may not be removed or otherwise prejudiced for refusing to do so [30]. No officer or employee of the Commonwealth or of any county, city, or town may discharge, promote, or degrade an officer of employee, or change his official rank or compensation, or promise or threaten to do so, for giving, withholding, or neglecting to make a contribution of money or other valuable thing for a political purpose [31].

An assistant district attorney is an appointed public employee, and is therefore prohibited from engaging in any soliciting, or receiving any money or anything of value for any political purpose [32]. This employee may, however, have a political committee organized on behalf of his candidacy, which may solicit in his behalf, although contributions may not be solicited from anyone who has an interest in any particular matter in which the employed person participates or has participated or which is the subject of his official responsibility [33]. An assistant district attorney should not have contributions solicited on his behalf from any attorney or anyone who has participated in a case with him, or is involved in any other matter within his official responsibility [34].

An individual who is an elected official in one municipality and a non-elected employee of another municipality cannot solicit or receive anything of value for any political purpose [35]. An uncompensated appointed member of a public authority is considered to be a person in the service of the Commonwealth and thus subject to certain restrictions on soliciting campaign donations for political committees [36]. Any donations he solicits on behalf of a candidate in the public service may not be given directly to the candidate but rather must go to the political committee organized on behalf of that candidate [37]. He may not be compelled to solicit for any political purpose, and may not discharge, promote or degrade or threaten in any manner to do so, any officer or employee he supervises for failure to render any political service [38].

E. Procedures Attendant to Contributions. Every candidate and the treasurer of every committee required to designate a depository must, by the end of the third business day after receipt of any contribution deposit it in the form received in the designated depository [39]. No such deposit may be made or received to the credit of any account unless the deposit is accompanied by a deposit slip containing for each contribution in excess of the sum of $25 the name and address of the contributor in the case of an individual or political committee and in addition in the case of a trust, foundation, or other association the names and addresses of its principal officers [40]. Such information must also be listed for each contribution of less than the sum if the aggregate of all contributions deposited from such contributor during the preceding fourteen days is $25 or more [41]. If any deposits represent the proceeds of borrowings, the deposit slip is to indicate the names and addresses of the lender, those persons liable either primarily or secondarily for any portion and those persons providing collateral, if any, for such borrowings [42].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is any expenditure of money, or anything of value, by an individual, candidate, or political committee, or a person acting on behalf of the individual, candidate, or political committee, for the purpose of influencing the nomination or election of the individual or candidate, or of presidential and vice presidential electors, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters [43]. An expenditure includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, and transfer of money or anything of value between political committees [44].

B. Limitations on Nature of Expenditures. A political committee organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor may expend money or other things of value for reasonable and necessary expenses directly related to the campaign of the candidate but may not make any expenditure that is primarily for the candidate's or any other person's personal use [45]. Any other political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized if the expenditure is not primarily for the candidate's or any other person's personal use [46].

Normal clothing attire for any individual, including a candidate, which is appropriate for everyday living is primarily for one's personal use, and its purchase with political committee funds is thus prohibited [47]. Purchases of novelty clothing items which are primarily worn to advertise one's candidacy, or a clothing item which is rented exclusively for a particular political function and is different than that ordinarily purchased by individuals, are permitted [48]. Political campaign funds may not be used to pay for parking tickets [49]. Violations of the law are not permissible campaign expenditures, regardless of the fact that campaign activity was being conducted during the course of the violation [50]. The lease of a computer/word processor by an incumbent elected official and candidate for re-election is an appropriate campaign expenditure, assuming that its use is restricted to campaign purposes, and the equipment is located in a place appropriate to its dedicated use for campaign purposes [51]. A political committee organized on behalf of a state senator may make political expenditures for the enhancement of the political future of the candidate, and, the leasing of a vehicle primarily for traveling to and from appointments that directly relate to his district duties and legislative responsibilities would be an appropriate expenditure by this political committee [52]. However, any portion of the vehicle's use which is for other purposes may not be paid for by the political committee [53]. A political committee organized on behalf of a state representative candidate may make a contribution to a certain charitable trust fund if it is of reasonable value and its purpose is to enhance the political future of the candidate in that he will receive publicity and create goodwill as a result of making the contribution. [54].

Public financing payments may be used only to defray campaign expenditures in the primary or general election the funds were for, or to repay loans which were used to defray campaign expenditures in that campaign [55].

A municipality may not appropriate tax funds to be used for an advocacy position in an election campaign [56]. This prohibition extends to the city's use of telephones and printed materials provided by public funds, unless each side is given equal representation and access [57].

A political committee may make expenditures for the purpose of influencing the vote on a ballot question even if the question has not yet been legally certified as appearing on the ballot, if the expenditures are in anticipation of the question being placed on the ballot and the expenditures are restricted to influencing the vote of the public [58].

No corporation carrying on the business of a bank, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, no company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the Commonwealth or by any county, city or town, no trustee or trustees owning or holding the majority of the stock of such a corporation, no business corporation incorporated under the laws of or doing business in the Commonwealth, and no officer or agent acting in behalf of any such corporation may directly or indirectly expend, or promise to expend, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding, promoting or antagonizing the interest of any political party [59]. No question submitted to the voters solely concerning the taxation of the income, property or transactions of individuals may be deemed materially to affect the property, business, or assets of the corporation [60]. No person or persons, no political committee, and no person acting under the authority of a political committee, and no person acting under the authority of a political committee, or in its behalf, shall solicit or receive from such a corporation or holders of stock any expenditure, or promise to expend for any such purpose [61]. No person acting under the authority of, or on behalf of, any political committee, may expend or disburse any money or anything of value while it has no qualified treasurer, or while the name and address of any of its officers or member has not been properly filed, nor may any expenditure be made for, or on behalf of a political committee, without the authorization of the chairman or treasurer, or their authorized agents [62].

C. **Procedures Attendant to Expenditures.** Any candidate required to designate a depository for campaign funds, and any person acting for a candidate or political committee must pay for services rendered or goods sold in excess of the sum of $50 only through a check drawn upon that depository and and bearing the legend "Campaign Account (name of candidate or political committee)," and shall secure the signature of the person receiving such check to the following certificate to be printed on all such checks: "The undersigned affirms under the penalties of perjury that he is the named payee of this check or an authorized officer thereof, that he or it performed the services or delivered the goods indicated herein, that the payment is for the sole purpose of paying for such goods or service, and that no person other than the named payee has any interest, direct or indirect, in this payment" [63].

All payments for campaign purposes made by or for the benefit of a candidate or by the treasurer of a committee required to designate a depository after the date such depository is required to be designated which are in excess of fifty dollars shall be made only from funds on deposit in the depository through checks drawn on the depository and indicating that such checks are drawn on the campaign account of the candidate or the political committee involved [64]. All checks payable to the candidate or treasurer for each two-week period shall not exceed five hundred dollars, and shall contain a printed statement of purposes as follows:

PURPOSES OF PAYMENT

(Check One and Fill in Specific Purpose)

TV, Radio............Printing...............Signs or Displays......
Newspaper............Office.................Transfer of Fund.......
Meetings.............Travel.................Other..................
Specific Purpose...
[65].

The checks must also contain the "Campaign Account" legend for signature by the named payee [66].

No candidate or committee treasurer required to designate a depository for campaign funds may authorize the incurring of any expenditure in behalf of the candidate or a committee unless there are sufficient funds on deposit to pay the expenditures authorized, together with all other expenditures previously authorized and still outstanding, or unless such candidate or treasurer files with the director on the 5th and 20th days of each month a complete statement of all unpaid obligations then outstanding, the terms of payment, purpose of the expenditure by which the obligation was created, and the name and address of the person holding the obligation [67].

IV. REPORTING REQUIREMENTS

A. **Registration.** Each political committee must file a statement of organization with the director of campaign and political finance, except for a political committee organized for the purpose of a city or town election only, for which the statement is filed with the city or town clerk [68].

The statement of organization must include the name of the political committee which, if organized on behalf of a candidate, is to include the name of the candidate; the address of the political committee; a statement of the purpose for which the political committee is organized; the name and residential address of the chairman and the treasurer; the name, residential address, and position of other principal officers including officers and members of the finance committee, if any; and the name and address, if known, and party affiliation of each candidate the political committee is supporting; however, if a candidate is nominated without reference to a political party, the name of his political party is not required [69]. Any change in information previously submitted in a statement of organization must be reported to the director, or if organized for the purpose of a city or town election only, to the city or town clerk within ten days following the change [70].

Candidates for nomination or election to the offices of governor, lieutenant governor, secretary of state, attorney general, state treasurer and receiver general, auditor, United States senator, United States representative, governor's councillor, district attorney, clerk of court, register of probate, register of deeds, county commissioner, county treasurer, and sheriff, the treasurer or each state political party committee, and the treasurer of any non-elected political committee authorized by any candidates or organized on behalf of a candidate for president or vice president must, upon the organization of a political committee or upon becoming a candidate, designate as a depository for the campaign funds of the candidate or political committee a national bank authorized to transact business in the Commonwealth or a trust company organized and existing under the laws of the Commonwealth [71]. Each candidate and the treasurer of each political committee must file with the Director, no later than the third business day following the designation of such depository, a certificate of appointment containing the name of the designated bank or trust company and the name of the candidate or political committee, and authorize the designated bank or trust company to submit the required reports [72].

B. **Reporting Deadlines.** Each candidate and each treasurer of a political committee must file with the director or, if the candidate seeks public office at a city or town election, or if the committee is organized for the purpose of a city or town election, with the city or town clerk, reports of contributions received and expenditures made [73]. A committee organized to favor or oppose a question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election [74].

Reports by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of each candidate, are to be filed on or before the 8th day preceding a primary, the eighth day preceding a biennial state election, and a final report is due by January 10th in the following year complete as of December 10th of the prior year; the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the 30th day following a special election, and a final special election report is due on January 10th, in the following year complete as of December 31st of the prior year [75].

Reports by each candidate for nomination or election to city or town office, and by the non-elected political committee organized on behalf of such candidate, except a candidate seeking election as a member of a representative town meeting or of a town or city ward committee, and any non-elected political committee organized on behalf of such candidate must be filed on or before the eighth day preceding a city or town preliminary or primary, including a caucus, the eighth day preceding a city or town election, and if a city election, a final report is due by January 10th in the following year complete as of December 31st of the prior year, and if a town election, a final report is due by the 30th day following the election, the eighth day preceding a special primary, including a caucus, the eighth day preceding a special election, and as a final report, the 30th day following a special election [76].

Reports by each candidate and each non-elected political committee required to designate a depository must be filed on or before the third business day following the designation of the depository, and, as a final report, January 10th of the year following the election, complete as of December 31st of the prior year [77]. The reporting period of the initial report begins on the day following the preceding election for the office sought by the candidate, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and ends on the day the depository is designated [78]. The reporting period of the second report begins on the day following the designation of the depository and ends as of December 31st of the year of the election [79].

Reports by the treasurer of each political party committee required to designate a depository must be filed on or before the third business day following the designation of such depository, and as a final report, January 10th of the year following the election complete as to December 31st of the prior year [80]. The reporting period of the initial report begins on the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and ends on the day the depository is designated [81]. The reporting period of the second report begins on the day following the designation of the depository and ends as of December 31st of the year of the election [82]. All other non-elected and elected political committees shall file reports on or before the same days and in accordance with the same schedule as set forth for state senate and house of representatives candidates, if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters, in a state primary or election; or the same days and in accordance with the same schedule as city or town office candidates, if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters, in a city or town preliminary, primary or general election [83].

Reports by each political committee organized to favor or oppose a question submitted to the voters, if the question appears on the ballot at the state election, are to be filed on the day of the organization; and the 60th day prior to the election; on or before the fifth and 20th day of each month complete as of the preceding first and 15th day of the month, until the election; and thereafter on the fifth day of each month until all declared liabilities of the committee have been discharged [84]. The reporting period of the initial report begins on the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and ends on the day of organization [85]. The reporting period of the initial report begins on the day following the day of organizaton and ends on the 60th day prior to the election [86]. The reporting period of all subsequent reports begins on the day following the end of the reporting period of the last report filed and must end as of the first or 15th day of each month, as appropriate [87].

Reports are to be filed by each political committee organized to favor or oppose a question submitted to the voters, if the question appears on the ballot at a city or town election on the day of organization; on or before the 30th day following the election; and, thereafter on the fifth day of each month until all declared liabilities of the committee have been discharged [88]. The reporting period of the initial report begins on the day following the preceding city or town election, or the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and ends on the day of organization [89]. The reporting period of the second report begins on the day following the day of organization and ends on the day the report is filed [90]. The reporting period of all subsequent reports begins on the day following the end of the reporting period of the last report filed and ends on the first day of each month [91].

Reports must be filed by all candidates and all political committees, except those candidates seeking election as members of a representative town meeting, or of a city, ward, or town committee, and non-elected political committees organized on behalf of such candidates, on or before the tenth day of January in each year in which they are not otherwise required to file a report on or before January 10th [92]. For candidates and non-elected political committees organized on behalf of such candidates for whom this report would be an initial report, the reporting period begins on the day following the preceding election for the office sought by such candidate and ends as of December 31st of the year prior to the last day for filing; and for all other political committees for which the report would be an initial report, the reporting period begins on the day following the appropriate preceding state, city, or town election, and ends as of December 31st of the year prior to the last day for filing the report [93]. For all candidates and all political committees, if the report is not an initial report, the reporting period of such reports required to be filed on or before January 10th in each year begins on the first day of January of the prior year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and ends as of December 31st of the prior year [94].

Reports required to be filed by each candidate for nomination or election to the state senate, house of representatives, city, or town office, and by the non-elected political committees acting on their behalf on or before January 10th of the year following the election, are not required if the candidate has not taken the action necessary under the laws of the commonwealth to qualify for nomination or election to the office, or if the individual does not hold elective office [95].

An additional report is required for any contribution received after the end of the reporting period of a final report by candidates or political committees supporting candidates if the contribution was inteneded to apply to the preceding election [96]. This report must be filed on or before January 10th following the last day for filing the final report, and must be complete as of December 31st of the prior year [97]. The reporting period for this report begins on the day following the end of the reporting period of the last report, or final report required to be filed [98].

C. Contents of Reports. Each candidate and the non-elected political committee organized on behalf of each candidate, upon the filing of the initial report, must include all contributions received and expenditures made since the end of the reporting period of the last report filed, if any, whichever reporting period is shorter, and all other political committees, upon the filing of their initial report, must include all contributions received and expenditures made since the day of the preceding biennial state election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidate, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a state primary or election; or the day of the preceding city or town election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a city or town preliminary, primary, or general election [99].

Each report must disclose the amount of money on hand at the beginning of the reporting period; the full name and residential address, listed alphabetically, of each person who has made a contribution (except for loans and contributions from other candidates and political committees) in an amount or value of $15 or more, if the candidate or political committee is required to designate a depository in the reporting period, and such information for each contribution of less than $15, or $25, if the aggregate of all contributions received from such contributor within said reporting period is the sum of $15 or more, or $25 or more, as appropriate, and the amount or value and date of the contribution and the total of all contributions listed; however, any contributions resulting from any purchases from an individual, candidate or political committee, or from a person acting on behalf of said individual, candidate, or political committee, or from a person acting on behalf of the individual, candidate or political committee, whether through the device of tickets, advertisements, or otherwise, for any fund raising activities, including testimonials, held on behalf of the individual, candidate, or political committee, are reported separately: for those contributions resulting from such purchases, the full name and residential address, listed alphabetically, of each person who has made such purchases if the amount or value paid is $15 or more, $25 or more, if the candidate or political committee is required to designate a depository, in the reporting period, and such information for each amount or value paid for such purchase of less than $15, or $25, if the aggregate of all amounts or value paid for such purchases made by the person within the reporting period is $15 or more, or $25 or more, and the amount or value paid and date of the purchase and total of amounts listed; the total amount or value of contributions made in the reporting period, except for those contributions resulting from fund raising purchases not otherwise reported; the name and address, listed alphabetically, of each candidate or political committee from which was received, or to which was made, any transfer of money or anything of value, in the reporting period, together with the amount or value and date of such transfer; the amount or value and date of each loan to or from any person, in the reporting period, together with the name and residential address of the lender and endorser, if any, listed alphabetically, and the amount or value and date of each loan; the total amount or value paid for those purchases in the reporting period, and not otherwise reported; the gross proceeds from such amounts or value paid for the purchases during the reporting period; the net proceeds from such amounts or value paid for such purchases; in the total sum of all contributions received, in the reporting period; the full name and address, listed alphabetically, of each person to whom an expenditure is made in the reporting period, in an amount or value of $25 or more, the amount or value, date and purpose of each such expenditure and the total of all such expenditures listed, and in the case of a political committee supporting more than one candidate, the name and address, and elective office held, if any, and office sought by each candidate on whose behalf the expenditure was made; however, any expenditures resulting from fundraising purchases must be reported separately; for those expenditures resulting from other purchases, the full name and address, listed alphabetically of each person to whom an expenditure of $25 or more is made during the reporting period, the amount or value, date and purpose of each such expenditure and the total of all such expenditures listed; the total amount or value of such expenditures resulting from such purchases in the reporting period, and not reported otherwise; the total amount or value of expenditures made in the reporting period, except those of $25 or more, and not otherwise reported; the total sum of expenditures made, in the reporting period; the amount and date of each then existing liability remaining unfulfilled and in force when the report is made, the name and address of the person to whom the liability exists, and a clear statement of the purpose for which it was incurred; a listing of all banks or other financial institutions used; and, in the event of the dissolution of a political committee, a statement of dissolution detailing the intended or actual disposition of any residual funds [100].

The report required to be filed on or before January 10th must contain a statement detailing the intended or actual disposition of any residual funds [101].

D. Exemptions from Reporting for Candidates. The provision requiring candidates to file reports does not apply to candidates who during any reporting period have not received contributions, incurred any liabilities, nor made expenditures on their own behalf independent from the political committee organized on their behalf [102]. Such candidates must sign an affidavit under the pains and penalties of perjury that they have not received any contributions, incurred any liabilities, nor made any expenditures on their own behalf during that reporting period [103]. The affidavit is executed on the report filed by the candidate's political committee for that reporting period [104].

Candidates who have no political committee organized on their behalf and who have not received any campaign contributions, incurred any liabilities, nor expended money on their behalf during any reporting period need only sign an affidavit on a form provided by the director stating that they have not received a campaign contribution, incurred any liabilities, nor made any expenditure on their own behalf [105]. The statement must be signed under the pains and penalties of perjury [106].

E. Reporting by Depository. The cashier or treasurer of the bank selected by any candidate or political committee as a depository must file with the director by the fifth and 20th days of each month while the account is in existence, a statement of the balance as of the preceding first and 15th of the month together with a summary of all of the deposit slips presented to the bank since the last such statement with any deposit of monies to the campaign account of such candidate or committee, listing the names alphabetically and other data as to all donors as it appeared on the deposit slip, and a list of all the checks presented to the bank since the last statement upon which any funds were withdrawn from any such account with the names and addresses of the payees and the amount of each check, and the purposes for which the money was paid as thereon indicated [107]. Such accounts remain in existence until the election and thereafter as long as a candidate or political committee has unpaid obligations [108]. A candidate or the treasurer of a political committee which has such obligations must file with the director by the fifth of each month a summary of all campaign contributions (including campaign contributions in the form of forgiveness of indebtedness) received during the preceding month together with the name and address and all other data as to each such contributor, such as name and address of principal officers of a contributor [109].

F. Reporting by Other Entities. The treasurer of any corporate political committee that expends corporate funds either directly or indirectly in a ballot question campaign must file reports with the director setting forth the amount or value of every gift, payment, expenditure or contribution, or promise to give, pay, expend, or contribute, together with the date, purpose, and full name and address of the person to whom it was made [110]. Corporate reports are to be filed on the 60th day prior to the election; on or before the fifth and 20th day of each month complete as of the preceding first and 15th day of the month, until the election; and, thereafter, on the fifth day of each month until all declared liabilities have been discharged [111].

The treasurer of any city, town, or other governmental unit which has given, paid, expended, or contributed, or promised to give, pay, expend, or contribute any money or any valuable thing in order to influence of affect the vote on any question submitted to the voters of the commonwealth must file reports with the director setting forth the amount or value of every gift, payment, expenditure, or contribution, or promise to give, pay, expend, or contribute, together with the date, purpose, and full name and address of the person to whom it was made [112]. The treasurer of any city, town, or other governmental unit which has given, paid, expended, or contributed, or promised to give, pay, expend, or contribute any money or any valuable thing in order to influence or affect the vote on any other question submitted to the voters of any city or town or any part of any city or town, shall file reports with the clerk of the city or town setting forth the amount of value of every gift, payment, expenditure, or contribution, or promise to give, pay, expend, or contribute, together with the date, purpose, and full name and address of the person to whom it was made [113]. Reports by governmental entities must be filed on the 60th day prior to the election; on or before the fifth and 20th day of each month complete as of the preceding first and 15th day of the month, until the election; and, thereafter, on the fifth day of each month until all declared liabilities have been discharged [114].

Whoever, acting under authority or on behalf of a political committee, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, must, on demand, and in any event within three business days after such receipt, expenditure, promise or liability, give to the treasurer a detailed account of the same, with all required vouchers which are to be a part of the accounts and files of the treasurer [115].

V. PUBLIC FINANCING PROVISIONS

A. Determination of Amount of Funding. Massachusetts provides for public financing of contested statewide races in primary and general elections [116]. The state election campaign fund is financed through a voluntary additional contribution to an individual's income tax liability [117]. On or before the eighth Tuesday before the primary election in any year in which elections are held for statewide elective office, the comptroller determines the fund balance, and divides the fund into two accounts, with 60% of the fund allocated to the primary election account [118] and the remainder allocated to the general election account [119]. Each account is subdivided into as many candidate accounts as there are qualified candidates [120]. Each candidate account is credited with an amount determined by dividing the election account by a number equal to the sum of five times the number of certified candidates for governor (or candidate teams for governor and lieutenant governor in general elections), two and one-half times the number of certified candidates for attorney general, and one times the number of certified candidates for the other statewide elective officers [121]. Each candidate account for governor (or governor and lieutenant governor candidate account, in general elections) is to be credited with five times the amount so determined, and each candidate account for attorney general is to be credited with two and one-half times the amount so determined [122].

B. Qualifications for Funding. A candidate for statewide office who appears on the ballot and has direct opposition may file a request for public financing with the director of campaign and political finance, accompanied by a bond for faithful compliance [123]. The bond must be signed by the candidate and the chairman and treasurer of any political committee organized on the candidate's behalf, made payable to the commonwealth, and be in force during the year in which elections for statewide elective office are held [124]. The bond required of a candidate for governor is $250,000; for lieutenant governor, $50,000; for attorney general, $125,000; for state secretary, auditor, or treasurer, $50,000 [125]. Finally, a candidate must file statements of qualifying contributions with the director of campaign and political finance [126]. A qualifying contribution is any contribution made by and individual and deposited as required in a candidate's depository account during the calendar year in which elections are held for statewide elective office or the next preceding calendar year that is accompanied by the contributor's name and address, and is less than or equal to an aggregate of $250 when added to any such contribution previously made by the same individual during the calendar year in which elections are held for statewide elective office or the next preceding calendar year [127]. The same contribution may be a qualifying contribution for both the primary election and the state election in a year in which elections are held for statewide elective office but no contribution remains a qualified contribution after the end of any such year [128].

A primary candidate for governor must certify at least $75,000 in qualifying contributions; lieutenant governor, $15,000; attorney general, $37,500; and state secretary, treasurer, receiver general, and auditor, $15,000 each [129]. Determination and certification of the candidate's eligibility is to be made by the director on or before the 8th, 6th, 4th, and 2nd Tuesday before the primary election, based solely upon information contained in statements on file [130].

A general election candidate for governor/lieutenant governor must certify at least $125,000 in qualifying contributions; attorney general, $62,500; and state secretary, treasurer, receiver general, and auditor, $25,000 each [131]. Determination and certification of the candidate's eligibility is to be made by the director on or before the 4th and 2nd Tuesday before the general election, basely solely upon information contained in statements on file [132].

C. Public Funding Payments. Any primary candidate certified by the director is entitled to $1 for each $1 of qualifying contributions, but no candidate is entitled to receive any amount in excess of the balance in that candidate's primary candidate account, nor may any candidate receive more than $250,000 in a primary election for governor or lieutenant governor or $50,000 each for attorney general, state secretary, treasurer, receiver general, and auditor [133].

Any general election candidate certified by the director is entitled to $1 for each $1 of qualifying contributions, but no candidate is entitled to receive any amount in excess of the balance in that candidate's general election candidate account, nor may any candidate receive more than $250,000 in a general election for governor and lieutenant governor; $125,000 for attorney general; or $50,000 each for state secretary, treasurer, receiver general, and auditor [134].

Public financing payments may be used only to defray campaign expenditures in the primary or general election the funds were issued for, or to repay loans which were used to defray campaign expenditures in that campaign [135].

D. Excess Payments. Any public financing payments received by a candidate in excess of the statutory maximum must be returned to the state treasurer [136]. Any candidate receiving public financing having a surplus balance after an election must remit to the state treasurer for deposit in the state election campaign fund an amount determined by multiplying the surplus balance by a fraction whose numerator is the total amount of public financing received by the candidate for that election, and whose denominator is the sum of all contributions and public financing received by the candidates [137]. A reserve is allowed to cover debts incurred to defray campaign expenditures incurred during the election [138]. No candidate with a surplus balance after the primary election is required to make any payment because of the surplus if the candidate is subsequently certified as eligible for public financing for the general election within three weeks after the primary election [139]. However, the amount that a candidate is entitled to for the general election is reduced by an identical amount [140].

VI. TAX PROVISIONS

Every individual who files a separate return, and whose income tax liability for any taxable year is $1 or more, may voluntarily contribute one additional dollar over his income tax liability to be paid over to the state election campaign fund [141]. In the case of a joint return of a husband and wife having an income tax liability of $2 or more, each spouse may voluntarily contribute $1 to the fund [142].

VII. POST-ELECTION REQUIREMENTS

A candidate is required to preserve all receipted bills and accounts mandated by the campaign disclosure requirements until the campaign account to which the records apply is reduced to zero and the account is closed, but in any event, at least until the term of the office the candidate is seeking has ended [143]. All depository accounts must remain in existence until the election and so long thereafter as a candidate or political fund has unpaid obligations [144]. Residual funds may not be converted to the personal use of the candidate or any other person, but are to be donated to the local aid fund [145].

VIII. OFFENSES AND PENALTIES

A violation of the law pertaining to a statement of organization, disbursement of funds, or payments by a political committee is punishable by law imprisonment of not more than one year, or by a fine of not more than $1,000 [146]. A violation of the contribution and expenditure provisions is punishable by imprisonment of not more than six months, or by a fine of not more than $500 [147]. A violation of the prohibition against cash contributions in excess of $50 payments made or knowingly received in a name other than that of the true donor, or soliciting from a candidate carries a penalty of imprisonment for not more than one year or by a fine of not more than $1,000, or in the case of an impermissible cash contribution, both [148].

A corporation violating the provisions of the law governing political contributions is to be fined not more than $50,000, and any officer, director, or agent of the corporation violating any provision or author of any such a violation, or any person who violates or in any way knowingly aids or abets such a violation is punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both [149].

A political committee or person guilty of demanding or soliciting money for nominating papers is to be punished by a fine of not more than $100 [150]. A violation of any provision relating to public employee solicitation of political contributions and solicitation of political contributions in public buildings is to be punished by a fine of not more than $1,000 [151]. A violation of the provisions against making political contributions within the public service, rendering of political service by public employees, and the treatment of public employees for failure to contribute is punished by a fine of not less than $100, nor more than $1,000 [155].

A violation of any provision of the law pertaining to required reporting and disposition of non-publicly-financed residual funds is punished by imprisonment for not more than one year, or by a fine of not more than $1,000 or both [153], but any corporation violating the laws relating to reporting of corporate contributions must be punished by a fine of not more than $50,000, and any officer, director, or agent of the corporation violating any provision or authorizing such a violation is punished by a fine of not more than $10,000, or by imprisonment of not more than one year, or both [154]. A violation of the law on furnishing accounts and vouchers to the treasurer by persons acting for a committee is punished by imprisonment for not more than one year, or by a fine of not more than $1,000 [155].

A corrupt practice--a candidate forcing or permitting any person or non-elected political committee authorized by him to make a false return in any required statement [156]--is punishable by declaring the offender's election to office void, ousting and excluding the offender from office, and declaring the office vacant [157]. A person convicted of a corrupt practice is to be stricken from the roll of registered voters for three years [158].

A violation of the secrecy of a private hearing called under the authority of the director of campaign and political finance is punishable by a fine of up to $1,000 and imprisonment for not more than one year, or both [159]. Upon conviction for any such violation, the director must be removed and the office deemed vacant [160].

Under the public financing provisions, if a candidate has failed to make any required payments to the state treasurer, the attorney general may recover for the benefit of the state election campaign fund, up to the sum of the bond, any payments so required [161]. Any such action is to be in addition to a penalty of $50 per day for every day that the amount remains unpaid [162], and other remedies available by law, and no action on any such bond may preclude the director from bringing any other civil or criminal proceedings as may otherwise be provided by law [163]. Any other violation of the public financing provisions carries the punishment of imprisonment for not more than one year, or a fine of not more than $1,000 or both [164].

IX. REGULATORY AGENCIES

A. Director of Campaign and Political Finance. The state chairman of each of the two leading political parties, the state secretary, and a dean of a law school located in the commonwealth appointed by the governor serve as a commission to select the director of campaign and political finance [165]. The director must be a resident of the commonwealth, and selection is to be by unanimous vote [166]. The director serves for a term of six years [167]. The director is required to appoint at least one full-time accountant, one full-time clerk, two full-time investigators, and one full-time secretary, with not less than one and not more than three additional part-time aides during election years [168].

The director must make available to investigative, accounting, and law enforcement agencies of the commonwealth all information necessary or advisable to fulfill their duties under the campaign disclosure law [169]. The director must also, as he deems necessary or advisable, periodically issue rules and regulations and issue interpretative bulletins and respond with reasonable promptness to requests for information, interpretations, and advice presented by candidates, state committees, political committees, and members of the public [170]. All acts, decisions, and rulings of the director are subject to judicial review upon the application of any interested person [171].

The director has the power and authority to investigate the legality, validity, completeness, and accuracy of all reports and actions required to be filed and taken by candidates, treasurers, political committees, and any other person pursuant to laws of the commonwealth pertaining to campaign contributions and expenditures [172]. The director may require, by summons, the attendance and testimony under oath of witnesses and the production of books and papers relating to any matter being investigated by the director [173]. Such summons must be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth and all provisions of law relative to summonses issued in such cases applies to summonses issued so far as applicable [174]. Any justice of the supreme judicial court or of the superior court may, upon application by the director, compel the attendance of witnesses summoned and giving of testimony under oath in furtherance of any investigation in the same manner and to the same extent as before the courts [175].

The director must inform any person or committee under investigation by registered mail, return receipt requested, of the director's intention to present to the attorney general evidence of any alleged violation [176]. Within ten days of receipt of notice, the alleged violator may request a hearing before the director to present evidence to the contrary, and the director may not present evidence of such alleged violation to the attorney general until after this hearing [177]. Evidence of any violation which has come to the director's attention may be presented to the attorney general only after the relevant election involved, but within two years after the election [178].

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Whenever a statement of organization of a political committee is filed on behalf of a candidate who became a candidate after the deadline for filing nomination papers, the director must, at the time of the filing, notify the candidate or his representative of necessary requirements and also forward the name and address of the candidate to the state ethics commission within three days after the filing of a political committee with the director's office, and the director is required to retain all required statements and reports for two years [179].

The director must retain all statements and reports filed with his office under law until the term of the office the candidate is seeking has ended, provided that the ending balance on that candidate's most recent statement shows no residual funds and no remaining deficit [180]. In the case of a candidate or authorized campaign committee which reports an ending balance of other than zero, the director must retain all statements and reports and require additional annual reports to be filed on January 10th until the candidate or authorized campaign committee reports an ending balance of zero [181]. In the case of committees other than those authorized by a candidate, the director must make all reports required to be filed with him available for convenient public inspection and reproduction by a copying machine at commercially reasonable fees as soon as the statements and reports are filed [182].

The director must furnish to city and town clerks, at the expense of the commonwealth, blanks and forms approved by the director and by the attorney general, suitable for the submission of required statements and reports [183]. The director must transmit the blanks to all candidates for nomination to state or county office who are known to the director, and to all political committees required to file with him [184]. The blanks must be furnished upon request to any person or political committee required to file a statement or report [185].

The director must also provide to all candidates and political committees required to file with him a summary of laws of the commonwealth relating to contributions and expenditures, and must furnish to city and town clerks, at the expense of the commonwealth, sufficient copies of the summary so that they may provide the summary to all candidates and political committees required to file with them [186].

The director must inspect alll statements and reports of candidates, or non-elected political committees supporting such candidates, within 30 days of the required reporting, and all other statements and reports within 60 days of the required reporting dates [187]. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or report as required by law, or if it appears to the director that any statement or report filed with him does not conform to law, upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by law, the director must, in writing, notify the delinquent person [188]. The complaint must state in detail the grounds of objection, must be sworn to by one of the subscribers, and must be filed with the director within ten days after the required date for filing a statement or report, or within ten days after the actual filing of a statement or report, or an amended statement or report [189].

Upon failure to file a statement or report within ten days after receiving notice, or if any statement filed after receiving the notice discloses any violation, the director must notify the attorney general and furnish him with copies of all relevant papers [190].

The director also has responsibilities related to public financing. The director determines and certifies to the state treasurer those candidates for statewide elective office, and the amounts due to each eligible candidate [191]. The director also prescribes and makes available to candidates the forms on which statements of qualifying contributions are to be filed [192]. Candidates are notified by the director of any amounts due after elections, and the director is authorized to direct that such amounts be paid to the state election campaign fund [193]. On or before January 30th of any year immediately following an election year for statewide elective offices, the director is to report to the clerk of the senate and the commission on public financing in the prior election [194].

On determination by the director that a candidate has failed to make the required payments of surplus funds, the director may request the attorney general to bring an action in the name of the state treasurer upon the bond of the candidate and his political committee, and may recover any payments for the benefit of the state election campaign fund up to the sum of that bond [195]. Any such action must be in addition to remedies otherwise available by law and no action on any such bond may preclude the director from bringing such other civil or criminal proceedings as may otherwise be provided by law [196].

The director is given the same rule-making and investigative powers with respect to the public financing provisions as he possesses relative to campaign contributions and disclosures [197].

B. Clerks of Cities and Towns. The proper city or town clerk serves as the filing officer for certain required reports and statements, and must retain all reports and statements filed with him until the term of the office the candidate is seeking has ended [198]. In the case of committees other than those authorized by a candidate, the city or town clerk must retain all statements and reports filed with his office for two years [199]. Such statements and reports must be available for convenient public inspection and copying at the office of the city or town clerk during normal business hours as soon as they are filed with him [200].

The clerk also is responsible for transmitting blanks for statements and reports to all candidates for nomination or election to city or town office, who are known to the clerk, and to all political committees required to file a statement or report [201]. All candidates and political committees required to file with the clerk are to receive a summary of laws of the commonwealth relating to contributions and expenditures [202].

The clerk is to inspect all statements and reports of candidates, or non-elected political committees supporting such candidates within 30 days of the required reporting date, and all other statements and reports are to be inspected within 60 days of the required reporting date [203]. If it appears to the clerk that the statement or report does not conform to law, or upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a required report, the clerk must notify the delinquent person in writing [204]. A complaint must state in detail the grounds of the objection, be sworn to by one of the subscribers, and be filed with the clerk within ten days after the actual filing of a statement, report, or amendment [205]. Upon failure to file a statement or report within ten days after receiving notice, or if any statement filed after receiving the notice discloses any violation, the clerk must notify the attorney general and furnish him with copies of all relevant papers [206].

C. Attorney General and the Courts. The attorney general is to approve blanks and forms for reports and statements developed by the director prior to their distribution [207]. Within two months after referral of any case from a city or town clerk or the director of campaign and political finance, the attorney general must examine the case, and, if satisfied that there is cause, he must, in the name of the commonwealth, institute appropriate civil proceedings or refer the case to the proper district attorney for appropriate action in the criminal courts [208].

The supreme judicial or superior court may compel any person failing to file a required statement or filing a non-conforming statement upon the applicaton of the attorney general, or district attorney, or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made [209]. Proceedings must be advanced for speedy trial upon the request of either party [210]. No petition may be discontinued without the consent of the attorney general [211].

If the attorney general or five or more voters have reasonable cause to believe that a corrupt practice has been committed by any successful candidate, other than a candidate for the United States Congress, or for the general court, for whom the voters had the right to vote, with reference to his election, or by any other person in his interest or behalf with reference thereto, the attorney general or the voters may apply to a justice of the superior court, sitting in equity within and for Suffolk County, for leave to bring an election petition against the candidate praying that the election of such candidate be declared void [212]. The application must be subscribed and sworn to by the petitioners and it is heard ex parte by the justice of the superior court upon such evidence as he may require; and if the petitioners establish to his satisfaction that there is reasonable cause to believe that such violations may be proved, the justice must grant leave to the petitioners to bring an election petition against the candidate [213].

After the entry of such an order, and within two months after the election to which it relates, the election petition may be filed in the superior court within and for Suffolk County [214]. Notice of the petition must be by writ of subpoena according to the usual course of proceedings in equity and must be returnable 14 days after the date on which the petition is filed [215]. A subpoena issued upon an election petition must be served not less less than seven days before the return day [216]. A defense to an election petition must be by answer, filed within seven days after the return day, and no replication need be filed [217]. Election petitions are be entered on the equity docket [218].

Election petitions and all motions and other applications, whether interlocutory or final, and all hearings on the merits or upon the making, entering or modifying of decrees are heard and determined by three justices of the superior court who, immediately following the filing of an election petition, are assigned by the administrative justice of the court for the hearing and determination of all matters arising under election petitions prior to the next state election [219]. No reference to a master may be had upon any matter arising under an election petition, except in matters of fact relating financial statements and the examination of accounts and vouchers [220]. All proceedings under election petitions have precedence over any case of a different nature pending in any court, and the justices of the superior court may from time to time make rules regulating the practice and proceedings in matters of such election petitions as they deem expedient [221]. In the absence of any such rules, the practice and procedure in election petitions is governed by laws or rules of court as may be in force relating to the practice and proceedings in matters of equity [222]. Upon an election petition the decision of a majority of the three justices of the superior court is final and conclusive upon all matters in controversy, whether interlocutory or final, in matters of fact and matters of law [223]. But the justices, or a majority of them, may, after a finding of facts, either of their own motion or at the request of either party, report the case to the supreme judicial court for determination by the full court; and where like proceedings occur as upon a report after a finding of facts by a justice of the superior court in equity proceedings [224].

If upon an election petition one or more violations are proved, it is a defense to the petition if the defendant established to the satisfaction of a majority of the justices with reference to every such violation, either that the violation was not committed by the candidate, but was committed contrary to the orders and without the sanction or connivance of the candidate [225]; the participation, if any, of the candidate in such violation, arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith [226]; the candidate took all reasonable means for preventing the commission of violations of this chapter with reference to the election in question [227]; the violation in question was of a trivial, unimportant, and limited character [228]; or the violation in question did not materially affect the results of the election [229].

The court may by an order make the final disposition of an election petition conditional upon the filling of a required statement in a modified form, or within an extended time, and upon compliance with any other terms as the court may deem best, the court will enter a final decree [230].

If upon the hearing of an election petition it appears to a majority of the justices that there is a reasonable presumption that any violation was committed, they are to refer notice of the facts to the district attorney for the county where the violation appears to have been committed, with a list of the witnesses and any other information which they may consider proper, and the district attorney may cause a complaint to be made before a court or magistrate having jurisdiction, or may present the evidence to the grand jury [231]. If it appears that a successful candidate for district attorney has been guilty of any such violation, a majority of the justices must order the notice of the facts to be given to the attorney general, who must designate a district attorney to make such complaint or presentment [232]. A majority of the justices may issue process for the apprehension of any person appearing to have committed a violation, and may bind over, as in criminal prosecutions, such witnesses as they deem necessary to appear and testify at the court having jurisdiction of the crime [233].

Upon a complaint subscribed and sworn to by any person before a district court alleging that reasonable grounds exist for believing that any law relating to the qualification or registration of voters, or to voting lists or ballots, or to primaries, caucuses, conventions, and elections, or to any matters pertaining thereto has been violated, the court may at once hold an inquest to inquire into such alleged violation of law [234]. The court may exclude all persons whose presence is not necessary at the inquest; and may also direct the witnesses to be kept so separated that they cannot converse with each other until they have been examined [235]. The attorney general, the district attorney, or some person designated by either, must attend the inquest and examine the witnesses [236]. The court or attorney may issue subpoenas for witnesses, who must be allowed the same fees, whose attendance may be enforced in the same manner, and who may be subject to the same penalties, as if served with a subpoena in behalf of the commonwealth in a criminal presecution before the court [237].

D. State Auditor. The state auditor is required to conduct a post-audit of all accounts and transactions involving the state election campaign fund for any year in which elections are held for statewide elective office, and must conduct other special audits and post-audits as he deems necessary [238]. The state auditor is neither obligated nor required to conduct audits of the depository accounts of publicly financed candidates; that authority rests with the director of campaign and political finance [239]. The state auditor must publish a report of any required post-audit on or before April 1st of the year following any year in which elections are held for statewide office [240].

E. Comptroller. The comptroller is required to conduct a post-audit of the accounts and transactions of any candidate for state auditor [241]. The comptroller determines the balance of the state election campaign fund and divides the fund into primary and general accounts and subaccounts [242].

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CAMPAIGN FINANCE LAW
IN MICHIGAN

I. INTRODUCTION

Michigan requires candidates, political committees and party committees, and persons making independent expenditures of $100 or more to file information on all contributions and expenditures made for each election. Many committees must also file an annual report. Late contributions of $200 or more must be reported within 48 hours. Direct corporate contributions are prohibited, and contributions by individuals other than a candidate, the candidate's family, and other non-party entities are limited to $1,700 for a statewide office candidate, $450 for a state senator candidate, and $250 for a state representative candidate per election. State and local party committees have differing, higher limitations. Cash contributions must be $20 or less, and anonymous contributions are prohibited. Expenditures for candidates accepting public financing are limited. Michigan offers a $2 tax check off ($4 for a joint return), to be distributed to candidates in gubernatorial primaries and candidates for governor and lieutenant governor in the general election. The secretary of state is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, donation, pledge or promise of money or anything of ascertainable monetary value, whether or not conditional or legally enforceable, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, or for the qualification, passage, or defeat of a ballot question [1]. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected [2]. A contribution includes the purchase of tickets or payment of an attendance fee for fundraising events; an individual's own money or property other than the individual's home used on behalf of that individual's candidacy; the granting of discounts or rebates not available to the public; or the granting of discounts or rebates by broadcast media and newspapers not extended on an equal basis to all candidates for the same office [3].

A negotiated settlement of less than the full value of a debt is a contribution if the settlement is not available to the general public [4]. The settlement must receive prior approval from the Department of State, which will be granted only when the Department is convinced that all of the following conditions are met: (1) at the time the debt was incurred, both the committee and the creditor expected the debt would be repaid in full within a reasonable time; (2) the committee has made a good faith effort to raise sufficient money to repay all outstanding debts; (3) the creditor has taken all the steps it normally takes against debtors in the same financial condition as the committee; (4) the proposed settlement agreement between the creditor and committee is similar to previous settlements made by the creditor and other debtors; (5) the committee has treated all creditors equally since it became aware there would be difficulty in the repayment of all debts; (6) the proposed settlement agreement between the creditor and the committee is similar to other settlements proposed or made by the committee [5].

A contribution does not include volunteer personal services provided without compensation, or payments of costs incurred of less than $250 in a calendar year by an individual for personal travel expenses if the costs are voluntarily incurred without any understanding or agreement that the costs will be repaid [6]; amounts received pursuant to a pledge or promise to the extent that the amounts were previously reported as a contribution [7]; and food and beverages not exceeding fifty dollars in value during a calendar year which are donated by an individual and for which reimbursement is not given [8].

Interest received by a committee on an account consisting of funds belonging to the committee must not be considered a contribution to the committee, but must be reported as interest [9].

A contribution drawn on a partnership account must be apportioned back to the partners if the contribution is accompanied by a written statement containing the name and address of each contributing partner and the amount of each partner's contribution [10]. The statement must include the occupation, employer, and principal place of business of each individual who is a member of the partnership and contributed more than $200 for that election [11]. The purchase of advertising space in a political program constitutes a contribution [12]. The gross proceeds--any money given--at a fundraising event are reportable as a contribution to the committee sponsoring the event, regardless of whether an event or transaction is a profitable occurrence [13].

B. Limitations on Nature of Contributions. A contribution to a candidate in the form of or which is converted to money, checks, or an other negotiable instrument must be deposited in a single account in a financial institution in the State of Michigan designated by the candidate committee [14]. Contributions may not be accepted unless the committee has appointed a treasurer who must be a qualified elector of the state [15]. When the office of treasurer in a candidate committee is vacant, the candidate must be the treasurer until the candidate appoints a new treasurer [16]. A contribution received by a committee may not be commingled with any funds of an agent of the committee or any other person [17].

A person is prohibited from making or accepting any single contribution of more than $20 in cash [18], or an anonymous contribution in any amount [19]. An anonymous contribution received by a person must not be deposited, but may be given to a tax exempt charitable organization, which must provide the person with a receipt [20]. A contribution received as the result of a fundraising event, casual services, or from the sale of political merchandise that is $20 or less in the aggregate from a person in a calendar year is not considered an anonymous contribution [21]. A person making a contribution under § 169.241(3) that aggregates more than $20 in any calendar year when added to all other contributions made to that committee by that person must furnish the recipient with the donor's name, address, and total amount contributed [22].

A contribution may not be made, directly or indirectly, by any person in a name other than the name by which that person is identified for legal purposes [23]. A contribution may not be made by a person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee [24]. A person who accepts a contribution, other than by written instrument, on behalf of another and acts as the intermediary or agent of the person from whom the contribution was accepted must disclose to the recipient of the contribution the intermediary's own name and address, and the name and address of the actual source of the contribution [25].

A contribution of more than $20 from a committee or person whose treasurer does not reside in, whose principal office is not located in, or whose funds are not kept in the State of Michigan may not be accepted by a person for purposes of supporting or opposing candidates for elective office, or the qualification, passage, or defeat of a ballot question, unless accompanied by a statement certified as true and correct by an officer of the contributing committee or person setting forth the full name and address, and the amount contributed, of each person who contributed more than $200 of the contribution, with the occupation, employer, and principal place of business listed for each person who contributed more than $200 of the contribution [26].

A person must not receive a contribution from a person other than a committee unless the contribution is accompanied by the name and address of each person who contributed more than $20 to the contribution, and the name, address, occupation, employer, and principal place of business of each person who contributed more than $200 to the contribution [27].

A candidate committee may not make a contribution to another candidate committee [28], but unexpended funds may be transferred from an individual's state candidate committee to that person's local candidate committee [29]. There is no provision in the Act prohibiting a contribution from a candidate committee to a ballot question committee [30], and a contribution in the form of a loan to a ballot question committee by a candidate committee is proper under the Act [31]. Similarly, ballot question committees are not prohibited from contributing to one another [32]. Funds may not be transferred from a state candidate committee to a candidate committee registered pursuant to federal law [33]. A separate segregated fund established by one corporation may not contribute to a separate segregated fund established by another corporation [34].

Contributions made through credit cards may be accepted if the information concerning the contributor required by the reporting provisions of the Act is obtained [35]. Contributions must be evidenced by intent of an individual to contribute to the particular committee, with an individual's signature on a written instrument serving as such evidence, regardless of whether the contribution is from an individual or joint account [36]. The Department of State will not accept the signature of one individual as reflecting the intent of another individual to make a contribution, notwithstanding the fact the two individuals are joint holders of an account and married [37]. Where a contribution is made from a joint account on a written instrument signed by both individuals, the contribution must be prorated equally to each of the signatories unless it is otherwise indicated by the contributors [38]. A contributor who has not reached his contribution limit for an election in which a candidate has outstanding depts may make a contribution designated in writing toward that election to the extent that the contribution does not exceed outstanding debts and obligations from the election [39]. There are no contribution limitations on local elective offices [40].

C. Limitations on Amounts of Contributions. Michigan limits the amount of money that may be contributed to a candidate committee of a candidate for state elective office [41]: the office of governor, lieutenant governor, secretary of state, attorney general, justice of the supreme court, member of the state board of education, regent of the University of Michigan, member of the board of the board of trustees of Michigan State University, member of the board of governors of Wayne State University, and member of the state legislature [42]. The contribution limits under § 169.252 do not apply to contributions received by an officeholder whose recall is actively being sought, provided the contributions are designated for a recall election [43]. A person other than an independent committee or a political party committee is limited to contributing not more than $1,700 in value for a candidate for state elective office other than the office of state legislator [44]: $450 in value for a candidate for state senator [45] and $250 in value for a candidate for state representative [46] with respect to a single election [47]. "With respect to a single election" means, in the case of a contribution designated in writing for a particular election, the election so designated [48]. A contribution made after a primary, general election, caucus, or convention, and designated for the primary, general election, caucus, or convention may be made only to the extent that the contribution does not exceed net outstanding debts and obligations from the primary, general election, caucus, or convention [49]. If a contribution is not designated in writing for a particular election, the contribution must be considered made for a primary, general election, caucus, or convention if made on or before the date of the primary, general election, caucus, or convention [50].

An independent committee and a political party committee other than a state party central committee are permitted to contribute to a candidate for state elective office not more than ten times the amount permitted a person other than an independent committee or political party comittee [51]. A state political party central committee may contribute not more than twenty times the amount permitted to be contributed by a person other than an independent committee or a political party committee for statewide elective office, and not more than ten times the amount permitted a person other than an independent committee or political party committee for contributions to the candidate committee of a candidate for state senator or state representative [52]. A contribution from a member of a candidate's immediate family to the candidate committee of that candidate is exempt from the contribution limitations [53].

The Secretary of State is required to recommend adjustments of the dollar value contribution limits on the basis of the Consumer Price Index at the beginning of every odd-numbered year to the legislature [54].

A corporation (or a national bank) [55] is permitted to establish a separate segregated fund to make contributions to candidate, ballot question, political party, and independent committees [56]. Other contributions by a corporation or a person acting for a corporation, with the exception of volunteer personal services provided without compensation [57], are prohibited [58]. However a corporation formed solely for political purposes and incorporated for liability purposes only, are excepted from the prohibitions against corporate contributions [59]. A loan made in the ordinary course of business [60] by a corporate lender in the business of making loans is not a contribution, but should be reported as a receipt by the candidate committee [61]. A loan which is not made for the purpose of influencing an election does not constitute a contribution [62]. A corporation may contribute an amount not in excess of $40,000 to each ballot question committee for the qualification, passage, or defeat of a particular ballot question [63]. Contributions are not to be obtained for a separate segregated fund by use of coercion, physical force, or as a condition of employment or membership, or by using or threatening to use job discrimination or financial reprisals [64].

D. Contribution Limitations for Candidates Accepting Public Financing. Under the provisions for public financing of gubernatorial campaigns, a person other than an independent committee or a political party committee is prohibited from making contributions more than $1,700 in value for a single election to a candidate committee of a candidate for governor [65]. An independent committee may not make contributions to a candidate committee which, in the aggregate for that election, are more than ten times the amount permitted a person other than an independent committee or political party committee [66]. A state political party central committee is prohibited from making contributions to a candidate committee which are more than 25% of the candidate's expenditure limit [67], and a political party committee at the county or congressional district level is permitted to contribute an amount which is not more than one percent of the publicly-funded candidate's expenditure limit [68]. A candidate and members of that candidate's immediate family may not contribute in total to that person's candidate committee an amount which is more than $25,000 in value for a single election [69]. A contribution which is controlled by or made at the direction of, another person, including a parent organization, subsidiary, division, committee, department, branch, or local unit of a person, must be reported by the person making the contribution, and is regarded as an expenditure or contribution attributable to both persons for purposes of the contribution limits [70].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question [71]. An offer or tender of an expenditure is not an expenditure if expressly and unconditionally rejected or returned [72]. An expenditure includes a contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question [73].

An expenditure does not include an amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expenditure [74]; an expenditure for communication by a person strictly with the person's paid members or shareholders [75]; an expenditure for communication on a subject or issue if the communication does not suppport or oppose a ballot issue or candidate by name or clear inference, or an expenditure for the establishment, administration, or solicitation of contributions to a fund or independent committee [76]; an expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for a news story, commentary, or editorial in support of or in opposition to a candidate for elective office, or a ballot question in the regular course of publication or broadcasting [77]; or an expenditure for nonpartisan voter registration or nonpartisan get-out-the-vote activities, unless a candidate or group of candidates sponsors or finances the activity and is identified by name with the activity [78].

B. Limitations on Nature of Expenditures. A committee may not make an expenditure until and unless it designates a treasurer [79]. An expenditure may only be made with the authorization of the treasurer or the treasurer's designee [80]. Cash withdrawals of not more than $50 per expenditure may be made from a petty cash fund withdrawn from a committee account [81]. A person making payments from a petty cash fund must maintain records of the amount and purpose of each expenditure, and must deliver the records to the committee treasurer [82]. Expenditures of more than $50, other than an in-kind expenditure, are to be made by a written instrument containing the names of the payor and payee [83]. The expenditure of an anonymous contribution, other than to a tax-exempt charitable institution, is prohibited [84]. Funds in a candidate committee account may not be invested in the stock market or commodities market [85].

An expenditure may not be made, other than for overhead or normal operating expenses, by an agent or an independent contractor, including an advertising agency, on behalf of or for the benefit of a person unless the expenditure is reported by the committee as if the expenditure were made directly by the committee, or unless the agent or independent contractor files a report of an independent contractor [86]. The agent or independent contractor must make known to the committee all information required to be reported by the committee [87].

An independent expenditure by a candidate committee on behalf of another candidate committee is prohibited [88]. A corporation is prohibited from making an expenditure related to influencing a candidate election except through a separate segregated fund [89]. A corporation may, however, make an independent expenditure in any amount for the qualification, passage, or defeat of a ballot question [90]. A corporation making such an independent expenditure is considered a ballot question committee [91].

A candidate for governor or lieutenant governor receiving public financing is limited to applying state money toward qualified campaign expenditures [92]. "Qualified campaign expenditure" means an expenditure for service materials, facilities, or other things of value by the candidate committee to further the candidate's nomination or election to an office during the year in which the primary or general election in which the candidate seeks nomination or election is held [93]. Qualified campaign expenditure does not include an expenditure in violation of an Michigan or federal law [94]; a payment made to the candidate or a relative within the third degree of consanguinity of the candidate, or to a business with which the candidate or relative is associated [95]; a payment to the extent clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange [96]; that portion of any salary or wage to an individual in excess of $2,000 per month [97]; payment from a petty cash fund [98]; gifts, except brochures, buttons, signs, and other printed campaign material [99]; payment to a defense fund [100]; and expenditures made for the solicitation of contributions which are exempt from the candidate's expenditure limits [101]. Monies received from the state campaign fund by the candidate committee of a gubernatorial candidate cannot be used to repay a loan to that committee [102].

An expenditure which is controlled by, or made at the direction of, another person, including a parent organization, subsidiary, division, committee, department, branch, or local unit of a person must be reported by the person making the expenditure, and is regarded as an expenditure attributable to both persons for purposes of expenditure limitations [103].

Transfers of funds from the official depository account to an interest-bearing account in any financial institution is not an expenditure under the Act, and may be completed if the committee retains complete control of the funds at all times and full disclosure is made [10]. A candidate may not make an independent expenditure on his own behalf [105]. A candidate's personal postage used for mailing a required filing of the committee is considered an expenditure by the candidate commmittee [106]. A payment made in lieu of filing nominating petitions and fees paid as a penalty for not filing reports when required are expenditures [107]. Repayment by a candidate committee of a loan does not constitute an expenditure [108].

The administration of a segregated fund and the authorization of expenditures from the fund must be by the board of directors of the corporation or by a committee authorized by the board of directors of the corporation [109]. A separate segregated fund may not receive a contribution designated by the contributor to be given to a specific candidate committee, because this would place the "authorization of expenditures" function in the hands of the contributing employee [110].

C. Expenditures by Governmental Units. A home rule city may make a contribution or an expenditure in support of a local ballot question without violating the Campaign Finance Act [111], but it is less clear whether an expenditure of public funds would be permissible under other laws. While the Michigan Municipal League, a private non-profit organization funded primarily by public entities was permitted to expend its funds in connection with the passage or defeat of ballot questions [112], previous opinions of the Attorney General have concluded that, in the absence of some constitutional or statutory authority, public bodies may not spend tax monies to influence the outcome of elections [113]. Thus, a county board of auditors is restrained from spending county money for the ultimate purpose of placing a contitutional amendment on the ballot [114]; a school board may not expend public funds urging a favorable vote on ballot proposals to increase tax limitations and permit the issuance of bonds [115]; a county board of supervisors is not authorized to spend county funds to print and distribute materials advocating a favorable vote on the issue of constructing a new county building [116]; state commissions and boards may not expend public funds to urge the electorate to support or oppose a particular candidate or ballot proposal [117]; and a downtown development authority may not expend funds or form a committee for an advertising campaign which advocates a position on a ballot question [118].

D. Permissible Expenditures by Committees Accepting Public Fundings. Expenditures made by a candidate committee to further the nomination or election of a candidate accepting public funding may not exceed an aggregate of one million dollars for one election [119], although expenditures made by a candidate committee solely for the solicitation of contributions which do not exceed 20% of the candidate committee's expenditure limit are not considered as expenditures for the purposes of the expenditure limitations [120]. An expenditure by a candidate committee to purchase space in a newspaper or other periodical, or time on radio or television to respond to an editorial in the same newspaper or periodical or on the same station or channel which was unfavorable to the committee's candidate or which endorsed the candidate's opponent is not an expenditure for the purposes of the expenditure limitations [121]. A debt for goods, services, materials, facilities, or anything of value in furtherance of, or in opposition to, the nomination for, or election to office of a candidate accepting public financing may not be incurred by a person which, when paid, will cause the expenditures of that candidate or person to exceed any expenditure limitation [122]. Other expenditures not included in the limitation include an expenditure necessitated by security requirements established by the director of the department of state police [123]; legal and accounting expenditures for compliance with the act [124]; an expenditure incurred in response to a written complaint filed pursuant to the act or rules, or in response to a notice of error or omission initiated by the Secretary of State [125]; and post-election winding down expenditures subsequent to the general election for candidate committees participating in the general election [126], including expenditures for required record storage [127], and communications with contributors or other persons who assisted in the campaign, thanking them for their assistance, if these communications occur not more than sixty days after the election [128], and late filing fees as assessed under the act [129].

IV. REPORTING REQUIREMENTS

A. Registration. Each political committee must file a campaign statement. Unless an officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline, an elected officeholder may be considered to be a candidate for reelection to that office for reporting purposes [130]. A campaign statement is not required from a committee which files a statement of organization that swears that the committee does not expect for each election to receive an amount in excess of $1,000 or expend an amount in excess of $1,000 [131]. If the committee receives or expends an amount in excess of $1,000 for an election, the committee is then subject to the requirements of the act [132]. Where there is no primary election for a nonpartisan office due to lack of more than twice the number of candidates as there are persons to be elected [133], a nonpartisan candidate committee is not required to file campaign statements for the primary election even though voting for other officers or issues may take place [134].

A required statement or report is to be filed not later than 5:00 p.m. of the day in which it is required to be filed [135]. A statement or report which is postmarked by registered or certified mail at least two days before the filing deadline is considered filed within the prescribed time regardless of when it is actually delivered [136].

B. Reporting by Committees Other Than Political Party Committees. A copy of the campaign statement of a candidate committee for a state elective or judicial office must be filed with the secretary of state who reproduces the copy and transmit the reproduction to the clerk of the county of residence of the candidate [137]. A copy of the campaign statement of candidate committees of candidates for all other offices must be filed with the clerk of the county of residence of the candidate [138]. A verification statement is to be part of the campaign statement, and must state that to the treasurer's knowledge it is true and complete [139]. The candidate, in the case of a candidate committee, must also verify in writing that, to the best of the candidate's knowledge, the statement is true and complete [140].

A copy of the campaign statement for a ballot question committee supporting or opposing a statewide ballot question is to be filed with the secretary of state, and with the clerk of the most populous county in the state while a ballot question committee supporting or opposing a ballot question to be voted upon in more than one county, but not statewide, is to file with the clerk of the county in which the greatest number of registered voters eligible to vote on the ballot question reside [141]. A ballot question committee supporting or opposing a ballot question to be voted upon within a single county files a statement only with the clerk of that county [142]. A copy of a campaign statement of a committee supporting or opposing a candidate for the office of school board, where the office is to be voted on in more than one county but not statewide, must be filed with the clerk of the county in which the greatest number of registered voters eligible to vote on the office reside [143]. A copy of a campaign statement of any other non-party committee is filed with the secretary of state, except that a committee reporting contributions or expenditures for a candidate within only one county must file a statement with the clerk of that county [144].

A campaign statement is to cover the period beginning the day after the closing date of the last campaign statement, and end on the closing date specified for the report in question [145]. If the committee filing the campaign statement has not previously filed a campaign statement, the period covered begins with the date on which the committee was formed [146]. The campaign statement must contain the filing committee's name, address, and telephone number, and the full name, residential and business addresses, and telephone numbers of its committee treasurer [147]. The total amount of contributions received and expenditures made during the period covered must be separately reported, along wth the cumulative amount of those totals for that election [148]. If a loan was repaid during the period covered by the campaign statement, the amount of the repayment must be subtracted from the total amount of contributions received [149]. Forgiveness of a loan must not be included in the totals [150]. Payment of a loan by a third party must be recorded and reported as a contribution by the third party, but is not included in the totals [151]. In-kind contributions or expenditures must be listed at fair market value and are reported as both contributions and expenditures [152]. A contribution or expenditure which is by other than completed and accepted payment, gift, or other transfer, which is clearly not legally enforceable, and which is expressly withdrawn or rejected and returned before a campaign statement closing date need not be included in the campaign statement, and, if included, may, in a letter or amended statement, be shown as a deduction [153]. The statement must also report the balance of cash and cash equivalents on hand at the beginning and the end of the period covered [154], and the total amount of contributions received during the period from persons who contributed more than $20 [155], along with the full name of each person from whom contributions totaling more than $20 are received during the period, the person's street address, amount contributed, the date the contribution was received, and the cumulative amount contributed by that person for that election [156]. The occupation, employer, and principal place of business must be stated if the person's total contributions for the period equal or exceed $200.01 [157]. The total amount of contributions received during the period from persons who contributed $20 or less must be reported [158], as must be the total amount of contributions of $20 or less received during the period, and the cumulative amount of the contributions received by the filer as a result of a fundraising event, casual services, sale of political merchandise, or membership fees, dues, or subscriptions for political purposes to an independent committee that is $20 or less in the aggregate from a person in any calendar year [159]. The total amount of contributions of $20 or less received during the period covered for each fundraising event must also be reported [160]. The statement must detail the name and street address of the treasurer of each committee that is listed as a contributor [161]; the name, address, and amount given by a person who contributed $20.01 or more of the total amount contributed by a person who is other than a committee or an individual [162], with the occupation, employer, and principal place of business stated if the person contributed $200.01 or more [163].

Expenditures must also be detailed. A listing must be made, by general category, of expenditures of $50 or less made during the period covered by the statement, and the total of those expenditures [164]. The full name and street address of each person to whom expenditures totaling more than $50 or more were made must be reported, together with the amount of each separate expenditure to each such person during the period, the purpose of the expenditure, the full name and street address of the person providing the consideration for which any expenditure was made if different than the payee, and the full name and street address of the treasurer of a committee which is listed [165]. Finally, the amount of expenditures for or against a candidate or ballot question during the reporting period must be made, as must the cumulative amount of expenditures for or against that candidate or ballot question [166]. An expenditure made in support of more than one candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both [167].

Special information for each fundraising event held during the period is required to be included in the campaign statement [168]. This information must include the type of event, date held, address and name, if any, of the place where the activity was held, and the approximate number of individuals participating or in attendance [169]; the full name of each person who, through making a contribution or expenditure in connection with the event, made a total contribution of more than $20, and the total of all such contributions [170]; monies received in connection with the event or activity from persons in amounts of $20 or less, listed by general category and totaled [171]; the gross receipts of the fundraising event [172]; and the expenditures incident to the event [173].

A committee supporting or opposing a candidate is required to file campaign statements for each election in which it participates. A pre-election campaign statement must be filed not later than the eleventh day before an election, with the closing date to be the sixteenth day before the election [174]. A postelection campaign statement is also required to be filed not later than the thirtieth day following the election, with a closing date of the twentieth day following the election [175]. This statement may serve as a closing campaign statement for a committee supporting a candidate who loses in the primary election if that committee meets the criteria for dissolution and so indicates on the campaign statement form [176]. If all liabilities of such a candidate or committee are paid before the closing date, and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the thirtieth day following the election [177].

A ballot question committee must follow the same reporting schedule as a committee supporting or opposing a candidate [178]. In addition to the 16-day pre-election report [179], and 30-day post-election report [180], a ballot question committee supporting or opposing a statewide ballot question must file a campaign statement not later than 35 days after the ballot question is qualified for the ballot, with a closing date of 28 days following qualification of the measure [181]. If the ballot question fails to qualify for the ballot, the committee must file the statement within 35 days after the final deadline for qualifying, the closing date of which must be the 28th day following the deadline [182]. A corporation making a contribution or expenditure of $200 or more in a calendar year for the qualification, passage, or defeat of a particular ballot question is subject to the registration and reporting requirements of the act, and must register as a ballot committee [183].

A committee other than an independent committee must also file a campaign statement not later than January 31 of each year, with a closing date of December 31 of the previous year, beginning the day after the closing date of the previous campaign statement [184]. However, this requirement is waived if a postelection campaign statement has been filed which has a filing deadline within thirty days of the closing date of this campaign statement [185], and does not apply to a candidate committee for an officeholder who is a judge or a supreme court justice, or holds an elective office for which the salary is less than $100 per month and does not receive any contribution or make any expenditure during the time which would otherwise be covered in the statement [186].

An additional report is required of a candidate receiving public financing if that candidate's public fund account is terminated after the closing date of the post-election campaign statement for the election for which public funds were received [187]. The committee is to provide the secretary of state with a written statement indicating that the committee's public fund account contains a zero balance [188]. The statement must be accompanied by a list of receipts and expenditures of public funds between the closing date of the last campaign statement filed, and the date the written statement is filed [189].

C. Reporting by a Political Party Committee. A political party committee that is a state central or district committee must file a copy of its campaign statement with the secretary of state [190]. A county political party committee must file with the secretary of state who will transmit a copy to the county clerk [191]. The statement must be signed by the committee treasurer, and include a verified statement that states that the treasurer used all reasonable diligence in its preparation, and that to the treasurer's knowledge it is true and complete [192].

A campaign statement filed by a political party committee must contain the full name of each person from whom contributions totaling more than $20 in value is received in a calendar year, the amount, and the date or dates contributed; and if the person is a committee, the committee's name and address, the full name of the committee treasurer, and the amount of the contribution and the date received [193]. The occupation, employer, and principal place of business must be listed for each person from whom contributions totaling more than $200 are received in a calendar year [194]. A campaign statement that reports the receipt of a contribution of more than $20 from a committee or person whose treasurer does not reside in, whose principal office is not located in, or whose funds are not kept in the State of Michigan, and whose committee has not filed a statement of organization, must include a statement setting forth the full name and address of the treasurer of the committee [195].

The report must also contain an itemized list of all expenditures, including in-kind contributions and expenditures and loans, made during the period covered by the campaign statement which were contributions to a candidate committee, a ballot question committee, or independent committee, or independent expenditures in support of the qualification, passage, or defeat of a ballot question, or in support of the nomination or election of a candidate for elective office, or the defeat of any of the candidate's opponents [196]. Any such expenditure must be identified as an independent expenditure or as a contribution to a candidate committee or a ballot question committee [197]. If the contribution was made to a candidate committee or ballot question committee, the report must note the committee's name and address, the candidate's name and office sought, if any, the amount contributed, and the date of the contribution [198]. If the contribution was an independent expenditure, the report must note the name of the candidate for whose benefit the expenditure was made and the office sought by the candidate, or a brief description of the ballot question for which the expenditure was made, the amount, date, and purpose of the expenditure, and the name and address of the person to whom the expenditure was made, and an expenditure in support of more than one candidate or ballot question, or both, must be apportioned reasonably among the candidates or ballot questions, or both [199]. Finally, the campaign statement must include the total expenditure by the committee for each candidate for elective office or ballot question in whose behalf an independent expenditure was made or a contribution was given for the election [200]; and the filer's name, address, and telephone number, where available, if any, and the full name, residential and business addresses, and telephone numbers, where available, of the committee treasurer [201].

A political party committee supporting or opposing a candidate is required to file a pre-election campaign statement not later than the 11th day before an election, with the closing date to be the 16th day before the election [202]. A post-election campaign statement is also required to be filed not later than the 30th day following the election, with a closing date of the 20th day following the election [203]. A campaign statement is also required to be filed not later than January 31st of each year, with a closing date of December 31st of the previous year [204]. This requirement is waived if a post-election campaign statement has been filed which has a filing deadline within 30 days of the closing date of this campaign statement [205].

D. Reporting of an Independent Expenditure. A person, other than a committee, who makes an independent expenditure advocating the election of a candidate, the defeat of a candidate's opponents, or the qualification, passage, or defeat of a ballot question, which totals more than $100 in a calendar year shall file a report of the independent expenditure, within 10 days, with the clerk of the county of residence of that person [206]. The report must be made on an independent expenditure report form provided by the secretary of state, and must include the date of the expenditure, a brief description of the nature of the expenditure, the amount, the name and address of the person to whom it was paid, the name and address of the person filing the report, together with the name, address, occupation, employer, and principal place of businesss of each person who contributed more than $100 to the expenditure [207]. The filing official receiving the report must forward copies of the report to the secretary of state, or, if the expenditure applied to a candidate race or ballot question within only one county, to the clerk of that county [208].

E. Reporting of a Late Contribution. A contribution of $200 or more received after the closing date of a pre-election campaign statement but before 12:01 a.m. of the second day prior to the election [209] shall be reported by filing with the filing officer within 48 hours after its receipt the full name, street address, occupation, employer, and principal place of business of the contributor [210]. Filing of a report of late contributions may be by any written means of communication, and need not contain an original signature [211]. A late contribution must be reported on subsequent campaign statements without regard to reports filed pursuant to the late filing provisions [212]. If a campaign statement has not been filed, a late contribution may be reported, if practicable, in the campaign statement, and need not be reported in a subsequent campaign statement [213].

V. PUBLIC FINANCING PROVISIONS

A. Eligibility. Michigan provides public financing to qualified candidates for governor in primary elections, and to qualified candidates for governor and lieutenant governor in general elections. Candidates for Governor and Lieutenant Governor are elected in team elections, and general election candidates for those two offices are considered as one candidate [214]. An unopposed candidate in a primary election is not entitled to moneys from the state campaign fund [215], except if the other major party has a contest for the nomination for the same office [216]. Candidates determined to be ineligible to appear on the primary ballot are also not eligible for public funding [217]. A write-in candidate is not regarded as opposition or as creating a contested primary for purposes of determining eligibility for public financing [218]. Acceptance of public funding is at the candidate's discretion.

B. Qualifying Contributions. A candidate who wishes to receive public funds for his or her campaign must establish a single candidate committee for purposes of both receiving contributions and making expenditures [219]. This committee must follow all of the reporting requirements imposed on a candidate committee. The candidate must file a statement of organization indicating the intent to seek qualifying contributions or to make qualifying expenditures [220]. A candidate must then raise a certain amount of qualifying contributions to become eligible to receive public funding [221].

A qualifying contribution is one made by a written instrument by a person other than the candidate or the candidate's immediate family, to the candidate committee of a candidate for governor which is $100 or less, and made after April 1 of the year preceding a year in which a governor is elected [222]. Not more than $100 of a person's total aggregate contribution may be used as a qualifying contribution in any one calendar year [223]. Qualifying contribution does not include a subscription, loan, advance, deposit of money, in-kind contribution or expenditure, or anything else of value except as prescribed by law [224]. Contributions received or expenditures made before the filing of a statement of organization may not be considered as a qualifying contribution [225]. A cash contribution of $20 or less accompanied by a written document containing the names of the payor, payee, the amount, the date, the purpose of the contribution, and the signature of the contributor will be allowed as a qualifying contribution [226].

Each candidate is to submit certified statements of qualifying contributions to the secretary of state, including in alphabetical order the full name and street address of each person from whom a qualifying contribution is received during the reporting period, together with the amount of each contribution and the date received by the treasurer of the committee [227]. The secretary of state is to keep a record of these statements, and must promptly notify a candidate for nomination for governor when that candidate qualifies to receive monies from the state campaign fund [228].

C. Public Financing Payments. A major party nominee is entitled to payment of not more than $750,000 of state funds for a general election [229]. A candidate may, subject to law, raise another $250,000 in private contributions [230]. An eligible candidate in a general election may elect to accept partial payment of moneys from the state campaign fund, and also raise private contributions as provided by law which, when added to the amount received from the state campaign fund, does not exceed $1,000,000 [231]. A candidate in a contested primary election may not receive more than $660,000 from the state campaign fund [232]. If a major party has a contest for the nomination for the same office, an unopposed candidate for nomination in a primary election may receive up to $165,000 from the state campaign fund [233]. A minor political party nominee whose party received five percent or more of the vote for the same office in the last election is entitled to receive an amount from the state campaign fund of not more than $750,000 multiplied by the number of popular votes the minor party received in the preceding general election for governor which is divided by the average number of votes the major parties received in that general election for governor [234]. A minor political party nominee not otherwise qualifying for public funding on the basis of votes received in the preceding election, but who receives more than five percent of the vote in that general election for governor is entitled to reimbursement in an amount of not more than $750,000 multiplied by the number of popular votes the minor party received in the preceding general election for governor which is divided by the average number of votes the major parties received in that general election for governor [235].

A minor political party nominee whose party received five percent or more of the vote for the same office in the last election who receives more popular votes in an election than the candidate of that minor party received at the preceding election is entitled to additional reimbursement [236]. This amount is calculated by computing the amount which the candidate would have received under the reimbursement provisions had the candidate otherwise qualified [237], and subtracting from this amount the amount received under the standard public funding provisions of [238]. In the alternative; a candidate listed on the ballot in the general election is entitled to $1 for each $1 of qualifying contributions certified to the secretary of state up to $500,000 if the candidate has certified to the secretary of state at least $50,000 in qualifying contributions [239].

A candidate in a primary election may obtain moneys from the state campaign fund in an amount equal to $2 for each $1 of qualifying contributions if the candidate certifies to the secretary of state that the candidate committee has received at least $50,000 in qualifying contributions [240]; the full name and address of each person making a qualifying contribution is recorded by the candidate committee in addition to any other requirements for reporting and recording contributions [241]; and the candidate states in the date and the candidate's committee agree to adhere to a $1,000,000 expenditure limitation per election [242].

If a candidate desires to receive moneys from the state campaign fund, and has received notice of qualification for funding, the candidate must apply to the secretary of state, stating the amount of moneys desired, and agreeing to adhere to the expenditure limitations [243]. The secretary of state is to determine the maximum amount for which the candidate qualifies and transfer this information and the application for funding to the state treasurer [244], who is to issue a warrant drawn on the state campaign fund for an amount equal to the maximum amount the candidate is qualified to receive, or the amount applied for, whichever is less [245]. The warrant may not be issued before January 1st of the year in which the election for Governor is to be held [246], but must be made immediately available beginning on January 1st of each year in which an election for governor is held [247]. A major political party nominee must receive from the state treasurer 5% of any funds which the candidate may be entitled to not later than 10 days after the primary election, unless there is less than a 2% difference in the vote totals of the top two primary election candidates of the same political party according to unofficial vote totals available to the Secretary of State [248]. The balance of any funds owed to a major political party nominee must be payable by the state treasurer within three days after the state canvassers' certification of the primary election results, but not later than 30 days after the primary election [249]. Any funds paid to a major political party nominee either erroneously or based upon election results which are reversed due to a recount or fraud are to be repaid by that nominee to the state treasurer within 60 days of receipt of notification by certified mail from the state treasurer [250].

D. Limitations on Contributions and Expenditures. Expenditures made by a candidate receiving public funding may not exceed $1,000,000 in the aggregate for one election [251], but expenditures made by a candidate committee solely for the solicitation of contributions which expenditures are not more than $200,000 are not considered expenditures for the purposes of the expenditure limitation [252]. Similarly, an expenditure by a candidate committee to purchase space in a newspaper or other periodical, or time on radio or television to respond to an editorial in the same newspaper or on the same station or channel which was unfavorable to the committee's candidate, or which endorsed the candidate's opponent is not an expenditure for purposes of the expenditure limitations if the expenditure is limited to one response to a particular editorial, unfavorable report, or endorsement of an opponent, and the candidate is refused free space or time in which to answer [253].

No debt for goods, services, materials, facilities, or anything of value in furtherance of, or in opposition to, the nomination for, or election to, office of a candidate must be incurred by a person which, when paid, will cause the expenditures of that candidate or person to exceed any limit imposed by the public financing provisions [254]. The limitations applicable to non-candidates in publicly-financed races are varied. A person other than an independent committee or a political party committee is not permitted to make contributions to a gubernatorial candidate committee that amount to more than $1,700 in value for a single election [255]. An independent committee may not make contributions to a publicly-financed candidate's committee which, in the aggregate for that election, are more than $17,000 [256]. A state political party central committee may not make contributions to such a committee which exceed $250,000 [257]. A congressional district or county level political party committee may not make more than $10,000 in contributions to such a candidate committee [258]. A candidate and his spouse, parent, brother, sister, son, or daughter may not contribute to that candidate's gubernatorial candidate committee an amount which aggregates more than $25,000 [259].

A contribution may not be made by a person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee [260]. A candidate committee may not make a contribution to another candidate committee [261].

Moneys received under the public financing provisions may only be used for qualified campaign expenditures [262], an expenditure for services, materials, facilities, or other things of value by the candidate committee to further the candidate's nomination or election to an office during the year in which the primary or general election in which the candidate seeks nomination or election is held [263]. A qualified campaign expenditure does not include an expenditure in violation of any federal or Michigan law [264]; a payment made to the candidate or a relative within the third degree of consanguinity of the candidate, or to a business with which the candidate or the relative is associated [265]; a payment to the extent clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange [266]; that portion of any salary or wage to individual in excess of $2,000 per month [267]; payment from petty cash [268]; gifts, except brochures, buttons, signs, and other printed campaign material [269]; payment to a defense fund [270]; or expenditures made for the solicitation of contributions which are exempt from the candidate's expenditure limitations [271]. Moneys received from the state campaign fund by the candidate committee may not be used to repay a loan to that committee [272].

Moneys received by a candidate from the state campaign fund must be kept in a separate account, which may be used to pay the candidate's qualified expenditures unless the account does not have a balance [273]. An unexpended balance in this account must be refunded and credited to the general fund within 60 days after the election for which the moneys were received [274], unless the committee has obtained prior written approval for retention of the funds from the secretary of state, and the funds are directed to, and not in excess of, qualified campaign expenditures [275]. The secretary of state may require a committee to file a monthly report accounting for the use of any such retained funds [276]. Interest received on state campaign fund moneys must be returned to the state and may not be spent by the candidate even after exhausting all public moneys originally granted [277].

E. Post-Election Procedures. Payment received from the state campaign fund for expenditures in one election may not be used for expenditures in a subsequent election [278]. If the account is terminated after the closing date of the post-election campaign statement for the election for which public funds were received, the committee is to provide the secretary of state with a written statement indicating that the committee's public fund account contains a zero balance [279]. The statement must be accompanied by a list of receipts and expenditures of public funds between the closing date of the last campaign statement filed, and the date the written statement is filed [280]. A committee which has terminated its public fund account must promptly return to the state any refund or rebate arising out of expenditures for which public funds were originally used or any proceeds from the sale of assets originally purchased with public funds [281]. Public funds returned to the state must be submitted to the secretary of state by written instrument payable to the State of Michigan [282].

VI. TAX PROVISIONS

Michigan's state campaign fund is administered by the State Treasurer, and funded by voluntary designation of individual income tax liability [283].

An individual whose income tax liability for a taxable year is $2 or more may designate that $2 be credited to the state campaign fund [284]. A joint return with an income tax liability of $4 or more entitles each spouse to designate that $2 must be paid to the state campaign fund [285]. An amount equal to the cumulative amounts designated by taxpayers each year must be appropriated annually from the general fund of the state to the state campaign fund to be available January 1st, and continuing through December 31st of each year in which a governor is elected [286]. The amounts appropriated under this section may not revert to the general fund, but must remain available to the state campaign fund for distribution without fiscal year limitation except that any amounts remaining in the state campaign fund on December 31st immediately following a gubernatorial general election must revert to the general fund [287].

Before the distribution of funds under the act to qualifying primary election candidates, the state treasurer must set aside sufficient funds from the state campaign fund to fully implement the formula for distributing funds to qualifying general election candidates [288]. If insufficient funds exist in the state campaign fund to provide full funding to eligible primary election candidates, the campaign funds must be distributed on a pro rata basis [289].

VII. POST-ELECTION REQUIREMENTS

A. Recordkeeping. The records of a committee must be preserved for five years and must be made available for inspection as authorized by the secretary of state [290].

B. Funds Transfers. A person may transfer any unexpended funds from one candidate committee to another candidate committee of that person if the contribution limits for the candidate committee receiving the funds are equal to or greater than the contribution limits for the candidate committee transferring the funds, and if the candidate committees are simultaneously held by the same person [291]. Unexpended funds of a campaign committee that are not eligible for transfer to another candidate committee of the person must be given to a political party committee, or to a tax-exempt charitable institution, or returned to the contributors of the funds upon termination of the campaign committee [292].

C. Dissolution of a Committee. A committee which determines it will no longer receive contributions or make expenditures may dissolve by filing a form prescribed by the secretary of state [293]. This statement must be filed with the filing officials with whom the committee's statement of organization was filed [294]. A "dissolution" consists of a campaign statement that covers the period from the closing date of the last report filed to the date of dissolution, and must include a statement as to the disposition of residual funds [295]. A committee may not dissolve if it has assets, outstanding debts, or unpaid late filing fees [296].

VIII. OFFENSES AND PENALTIES

A. Report Filing. A person who fails to file a statement of organization [297], or committee supporting or opposing a candidate [298] that fails to file a required report or statement is required to pay a late filing fee of $10 for each calendar day that the report or statement remains not filed not to exceed $300 [299]. The fee is to be paid to the filing official with whom the report or statement was required to be filed [300], to be retained by and for the use of the filing officials to cover their expenses in administering the act [301]. A person who fails to file a statement of organization [302] for more than 30 days after the statement or report is required to be filed is guilty of a misdemeanor and must be fined not more than $1,000 [303]. A person who is in violation of the reporting provisions more than seven days is guilty of a misdemeanor, and must be punished by a fine of not more than $1,000, or imprisoned for not more than 90 days, or both [304]. If a person subject to the provisions for reporting by a committee supporting or opposing a candidate is found guilty, the circuit court of that county, on application by the attorney general or prosecuting attorney of that county may prohibit that person from assuming the duties of a public office, or from receiving compensation from public funds, or both [305].

If a ballot question committee supporting or opposing a statewide ballot question fails to file a pre-election statement, that committee or its treasurer must pay a late filing fee for each calendar day the statement remains unfiled [306]. The first day the statement remains unfiled the penalty is $25 [307], the second day the penalty is $50 [308], the third day the penalty is $75 [309], and the penalty for the fourth day and each subsequent day that the statement remains unfiled is $100 [310], subject to a limit of not more than $1,000 [311]. If a ballot question committee supporting or opposing a statewide ballot question fails to file a required statement other than a pre-election statement, that committee or its treasurer must pay a late filing fee of $25 for each calendar day the campaign statement remains unfiled, not to exceed $1,000 [312]. If a ballot question committee supporting or opposing other than a statewide ballot question fails to file a required campaign statement, that committee or its treasurer must pay a late filing fee of $10 for each calendar day the campaign statement remains not filed in violation of the act, not to exceed $300 [313]. If a ballot question committee is in violation of the reporting deadlines for more than seven days, that committee, or its treasurer is guilty of a misdemeanor, punishable by a fine of not more than $1,000 or imprisonment for not more than 90 days, or both [314]. If a ballot question committee knowingly files an incomplete or inaccurate required statement or report, that committee or its treasurer is guilty of a misdemeanor, punishable by a fine of not more than $1,000, or imprisonment for not more than 90 days, or both [315].

A person who is a candidate committee of a candidate for state elective office or a judicial office and who fails to file a required annual campaign statement must pay a late filing fee of $25 for each business day the campaign statement remains not filed in violation of the filing deadlines, not to exceed $300 [316]. A person who is a committee other than a candidate committee of a candidate for state elective office or a judicial office and who fails to file an annual campaign statement shall pay a late filing fee of $10 for each business day the committee statement remains unfiled in violation of the filing deadlines for more than seven business days is guilty of a misdemeanor, punishable by a fine of not more than $1,000, or imprisonment for not more than 90 days, or both [317]. A person who knowingly files an incomplete or inaccurate required statement or report is guilty of a misdemeanor, punishable

by a fine of not more than $1,000, or imprisonment for not more than 90 days, or both [318]. "Person" means for a committee other than a candidate committee, that committee and that committee's treasurer, and, for a candidate committee, that committee, that candidate, and that candidate committee's treasurer [319].

If payment of the late filing fee assessed by the secretary of state is not made within 30 days of the date of the written notice, the filing official must immediately notify the Michigan department of the treasury of the failure to pay so the latter may collect the late filing fee [320], which must be forwarded to the state treasurer for deposit to the credit of the general fund of the state [321]. The payment of a late filing fee may be waived by the secretary of state upon receipt of a written request and the required filing if the request for the waiver is based on good cause and supported by adequate documentation [322]. Good cause is limited to the incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation of a person required to file, a person whose participation is essential to the preparation of the statement or report, or a member of the immediate family of these persons [323], or other unique, unintentional factors beyond the filer's control not stemming from a negligent act or nonaction so that a reasonably prudent person would excuse the filing on a temporary basis [324]. These factors include the loss or unavailability of records due to a fire, flood, theft, or similar reason, and difficulties related to the transmission of the filing to the filing official, such as exceptionally bad weather or strikes involving transportation systems [325]. The clerk of each county is also empowered to waive the payment of a late filing fee upon written request if the request is based on good cause as noted above [326].

B. Contribution and Expenditure Regulation and Committee Formation and Operation. A person who violates the provisions for forming a candidate committee [327]; appointing a qualified treasurer [328]; properly establishing and maintaining a campaign depository account [329]; accepting a contribution without a treasurer [330]; making an unauthorized expenditure [331]; forwarding contributions to the treasurer [332]; or commingling contributions with other funds [333], is subject to a civil penalty of not more than $1,000 [334]. A committee treasurer who knowingly fails to keep detailed accounts, records, bills, and receipts as required for a period of five years is guilty of a misdemeanor, and may be punished by a fine of not more than $1,000 or imprisoned for not more than 90 days, or both [335]. A person who makes a single expenditure of more than $50 from the petty cash fund is subject to a civil penalty of three times the amount in excess of $50, not to exceed $500 [336].

A person who knowingly makes or accepts any single contribution of more than $20 in cash, or who knowingly makes or accepts any single expenditure of more than $50 in cash is guilty of a misdemeanor, and may be punished by a fine of not more than $1,000, or imprisoned for not more than 90 days, or both, and, if the person is not than an individual, the person is to be fined not more than $10,000 [337]. A person who knowingly accepts or expends an anonymous contribution, except an anonymous contribution received by a person that is not deposited, but given to a tax-exempt charitable organization [338], is guilty of a misdemeanor, and is to be punished by a fine of not more than $1,000, or imprisoned for not more than 90 days, or both [339], as must be a person who knowingly makes a contribution which is more than $20 in any calendar year when added to all other contributions made by that person to that committee [340] if the contribution is in relation to a fundraising event, casual services, the sale of political merchandise or membership fees, dues, or subscriptions for political purposes to an independent committee or a political party committee [341], and fails to furnish the recipient with the donor's name, address, and the total amount contributed [342]. A person who directly or indirectly makes a contribution in a name other than the name by which that person is identified for legal purposes is guilty of a misdemeanor, and must be punished by a fine of not more than $1,000, or imprisoned for not more than 90 days, and, if the person is not an individual, the person is to be fined not more than $10,000 [343]. A person who knowingly accepts a contribution, other than by written instrument, on behalf of another and acts as the intermediary or agent of the person from whom the contribution was accepted, and fails to disclose to the recipient of the contribution the intermediary's own name and address and the name and address of the actual source of the contribution is guilty of a misdemeanor, and must be punished by a fine of not more than $1,000 or imprisoned for not more than 90 days, or both [344].

A person who knowingly makes contributions to a candidate committee in excess of the contribution limitations is guilty of a misdemeanor, and must be punished by a fine of not more than $1,000, or imprisoned for not more than 90 days, or both, and, if the person is other than an individual, the person shall be fined not more than $10,000 [345].

A person who knowingly violates the prohibitions against corporate contributions is guilty of a felony and must be punished by a fine of not more than $5,000, or imprisoned for not more than three years, or both, and, if the person is other than an individual, the person is to be fined not more than $10,000 [346]. A person who knowingly solicits contributions for a corporation's separate segregated fund from other than stockholders of the corporation [347], officers and directors of the corporation [348], or employees of the corporation who have policymaking, managerial, professional, supervisory, or administrative non-clerical responsibilities [349], or the spouses of such persons, or, in the case of a nonprofit corporation, members of the corporation [350], or employees of the members of the corporation who have policymaking, managerial, professional, supervisory, or administrative non-clerical responsibilities [351], or their spouses are guilty of a felony, and must be punished by a fine of not more than $5,000 or imprisoned for not more than three years, or both, and, if the person is other than an individual, the person shall be fined not more than $10,000 [352]. The same penalty applies to a person knowingly obtaining a contribution for a separate segregated fund by coercion, physical force, or as a condition of employment or membership, or by using or threatening to use job discrimination or financial reprisals [353].

A person who knowingly accepts a contribution for purposes of supporting or opposing candidates for elective office, or the qualification, passage, or defeat of a ballot question that is more than $20 and received from a committee or person whose treasurer does not reside in, whose office is not located in, or whose funds are not kept in the State of Michigan [354], or received from a person other than a committee [355], which contribution is not accompanied by the name and address of each person who contributed more than $20 to the contribution, and the name, address, occupation, employer, and principal place of business of each person who contributed more than $200 to the contribution, is guilty of a misdemeanor, and must be punished by a fine of not more than $1,000, or imprisoned for not more than 90 days, or both, and if the person is other than an individual, the person is to be fined not more than $10,000 [356]. A person who knowingly makes a contribution to another person or who receives such a contribution with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee [357] is guilty of a misdemeanor and must be punished by a fine of not more than $1,000, or imprisoned for not more than 90 days, or both [358]. A person who knowingly violates the provision prohibiting a candidate committee from making a contrbution to, or an independent expenditure on behalf of another candidate committee is similarly punished [359].

Improper making or reporting of an expenditure by a committee, an agent, or an independent contractor, if done knowingly, is a misdemeanor, and must be punished by a fine of not more than $1,000, or imprisonment of not more than 90 days, or both, and if the person is other than an individual, the person is to be fined not more than $10,000 [360]. A person who violates the independent expenditure reporting provisions is subject to a civil penalty of not more than $500 [361]. A person that knowingly violates the provisions relating to corporate expenditures is guilty of a felony, and must be punished by a fine of not more than three years, or both, and, if the person is other than an individual, the person is to be fined not more than $10,000 [362].

C. Candidates Receiving Public Financing. In addition to being subject to the penalty provisions applicable to other candidates, a candidate receiving public funding faces other restrictions. A person who knowingly applies moneys received under the public financing provisions against other than qualified expenditures, or who violates the provisions relating to establishment of a single public fund account is guilty of a felony, and if the person is an individual, he must be punished by a fine of not more than $2,000, or imprisoned for not more than three years, or both, and, if the person is other than an individual, punishment is by a fine of not more than $10,000 [363]. Knowing violations of other expenditure limitations render a person guilty of a misdemeanor, and punishment by a fine of not more than $1,000, or imprisonment for not more than 90 days, or both [364]. If a person is found guilty of such a violation, the circuit court of that county, on application by the attorney general, may prohibit that person from assuming the duties of a public office, or from receiving compensation from public funds, or both [365].

A person who knowingly violates the contribution limitations imposed under public financing is guilty of a misdemeanor, and is punished by a fine of not more than 90 days, or both, and, if the person is other than an individual, the person is to be fined not more than $10,000 [366].

D. Commercial Use of Statements. A statement open to the public under the Act may not be used for purposes of commercial solicitation or any commercial purpose [367]. A person who violates this provision is subject to a civil penalty of not more than $1,000 [368].

IX. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is responsible for administration of the Campaign Finance Reporting Act. The secretary of state is required to make available through its offices and furnish to county clerks appropriate forms, instructions, and manuals required by the act [369]; develop a filing, coding, and cross-indexing system for the filing of required reports and statements consistent with the purposes of the act, and supervise the implementation of the filing systems by the clerks of the counties [370]; receive all statements and reports required by the act to be filed with the secretary of state [371]; prepare forms, instructions, and manuals required under the act [372]; promulgate rules to implement the act [373]; and, upon receipt of a written request and upon receipt of the required filing, waive payment of a late filing fee if the request is based on good cause [374].

The secretary of state is also required under law to issue declaratory rulings to implement the act [375]. The secretary of state, on written request of a person whose course of action would be affected by the declaratory ruling, may issue a declaratory ruling as to the applicability of the act or promulgated rules to an actual statement of facts [376]. A brief or other reference to legal authorities, upon which the person relies for determination of the applicability of the act or of an administrative rule to the statement of facts, may be submitted with the request [377]. If the secretary of state decides to issue a declaratory ruling, the person requesting it must be furnished with a statement to that effect [378]. The statement must set forth the time in which the ruling must be issued [379]. A ruling shall include the statement of facts, the legal authority, if any, and the rationale on which the secretary of state relies for the ruling, and the determination [380]. The secretary of state may refuse to issue a declaratory ruling if the request is anonymous, or it is determined the subject matter is frivolous on its face, indefinite, or lacks specificity [381]. If the secretary of state refuses to issue a declaratory ruling, the person making the request, if known, must be notified of the reason for the refusal [382].

The secretary of state must make statements and reports required to be filed under the act available for public inspection and reproduction, commencing as soon as practicable, but not later than the third business day to which they are received, during regular business hours [383]. The secretary of state, within five business days following a filing date required by the act, must prepare a list of persons whose required reports or statements have not been received by the secretary, to be available for public inspection and copying [384]. Upon receipt of any inquiry requesting information relative to the contents of any report or statement, the requestor will be informed that the information is available for inspection or copying at the office of the secretary of state [385], and that a copy of any page of the report or statement may be obtained upon receipt of payment by the secretary [386]. A telephone inquiry relative to a substantive matter in a filed report or statement may not be answered [387]. A telephone inquiry by a filer or agent relative to a report or statement of the filer will be answered [388].

The secretary of state must determine whether a statement or report filed with the secretary of state under the act complies, on its face, with the requirements of the act and rules [389]. The secretary must determine whether such a statement or report which is required to be filed is in fact filed [390]. Within four days after the deadline for filing a statement or report under the act, the secretary must give notice to the filer by registered mail of an error or omission in the statement or report, and give notice to a person who the secretary has reason to believe is a person required to, and who failed to file a statement or report [391]. After nine days and before 12 days have expired after the deadline for filing the statement or report, the secretary must report errors or omissions which were not corrected and failures to file to the attorney general [392].

A statement or report filed with the secretary of state under the act must be preserved by the secretary for five years, or for one year beyond the term of office for which the statement or report is filed, whichever is longer [393]. Statements and reports filed under the act may be microfilmed, and must be destroyed after the required preservation period [394].

The secretary of state is also empowered to conduct investigations as may be necessary to determine if there is reason to believe a violation of the act has occurred [395]. A person who believes a violation of the act or the rules has occurred may file a written complaint in person or by mail with the secretary of state [396]. A complaint must be typewritten or handwritten in ink, with the complainant's name, address, and telephone number set forth [397]. A complaint must include the following verification statement: "I certify that the statements set forth above are true to the best of my knowledge and belief," and must be signed by the complainant immediately following the verification statement [398]. A complaint must name the alleged violator, set forth the alleged violator's address, describe in reasonable detail the alleged violation, and identify all available documentary material [399]. The secretary of state, upon receipt of a complaint, must investigate the allegations [400]. If, upon reading the complaint, the secretary of state deter mines a complaint is frivolous, illegible, indefinite, unsigned, or does not identify an alleged violator or violation of the act or attendant rules, the secretary of state may summarily dismiss the complaint without prejudice, notifying the complainant in writing as to the reason the complaint was dismissed [401].

If a complaint is not summarily dismissed, or if the secretary of state, upon examination of a report filed pursuant to the act finds there may be reason to believe a violation of the act or rules has occurred, the secretary of state must indicate immediately to the person against whom an allegation is made that a complaint has been made alleging, or examination of a filled report indicates a possible violation of the act or the rules [402]; the specifics of the alleged violation [403]; the identity of the complainant if a complaint has been filed [404]; and the provisions of the rules relative to complaints and investigations [405]. The secretary of state may then conduct a preliminary review of an alleged violation [406]. If, following a preliminary review, the secretary of state determines there is no reason to believe an allegation is true, the complaint must be dismissed, with notice to the complainant and the person against whom an allegation has been made [407].

If, following a preliminary review, the secretary of state determines there may be reason to believe an allegation is true, the secretary may either notify the person against whom the allegation is made that an informal hearing will be held to determine whether there is reason to believe a violation of the act or rules has occurred [408], or attempt to correct or prevent future violation by informal methods of conference, conciliation, and persuasion, and enter into a conciliation agreement with the person involved [409]. A conciliation agreement, unless violated, shall constitute a complete bar to any further action with respect to matters covered in the conciliation agreement [410]. If the secretary is unable to correct or prevent future violation by these informal methods, the person against whom the allegation is made and the complainant must be notified that an informal hearing must be held to determine whether there is reason to believe a violation of the act or the rules has occurred [411]. The notice must give the parties involved reasonable time to appear, if they choose to do so [412]. The secretary must also notify the parties of the time and place of the hearing, that they my appear in person or by counsel, and that they may give testimony [413].

If following the informal hearing, the secretary of state determines there is no reason to believe a violation of the act or rules has occurred, the complaint must be dismissed, and the parties notified of this decision [414]. If, following the informal hearing, the secretary determines that the alleged violation may be corrected, or further violation may be prevented, by informal methods of conference, conciliation, and persuasion, the secretary of state may enter into a conciliation agreement with the person involved [415]. If, following the informal hearing, the secretary determines there is reason to believe a violation of the act or rules has occurred, the secretary of state may notify the attorney general of the decision if the allegation was made as a result of a complaint [416]. If the allegation was made as a result of an examination of a report filed pursuant to the act, the secretary of state must notify the attorney general of the decision [417]. If, following the informal hearing, the secretary of state determines not to report the hearing's result to the attorney general, the secretary of state must notify the parties of this decision [418].

B. County Clerk. The clerk of each county must make avaliable through the county clerk's office the appropriate forms, instructions, and manuals required by the act [419] under the supervision of the secretary of state, implement the filing, coding, and cross-indexing system prescribed for the filing of reports and statements required to be filed with the county clerk's office [420]; receive all statements and reports required by the Act to be filed with the clerk's office [421]; and, upon written request, waive the payment of a late filing fee if the request for a waiver is based on good cause under the act [422].

The county clerk must make statements and reports required to be filed under the act available for public inspection and reproduction, commencing as soon as practicable, but not later than the third business day following the day on which they are received, during regular business hours of the clerk's office [423]. The clerk, within five business days following a filing date required by the act, must prepare a list of persons whose required reports or statements have not been received by the clerk, to be available for public inspection and copying [424]. Upon receipt of any inquiry requesting information relative to the contents of any report or statement filed with the clerk, the clerk must inform the person requesting the information that the report or statement is available for inspection or copying at the clerk's office [425]. A telephone inquiry relative to a substantive matter in a filed report or statement may not be answered [426]. A telephone inquiry by a filer or agent relative to a report or statement of the filer will be answered [427].

The county clerk must determine whether a statement or report filed with the clerk under the act complies, on its face, with the requirements of the act and rules [428]. The clerk must determine whether such a statement or report which is required to be filed is in fact filed [429]. Within four days after the deadline for filing a statement or report under the act, the clerk must give notice to the filer by registered mail of an error or omission in the statement or report, and give notice to the person who the clerk has reason to believe is a person required to, and who failed to file a statement or report [430]. After nine days and before 12 days have expired after the deadline for filing the statement or report, the clerk must report errors or omissions which were not corrected and failures to file to the attorney general [431].

A statement or report filed with the clerk under the act must be preserved by the clerk for five years, or for one year beyond the term of office for which the statement or report is filed, whichever is longer [432]. Statements and reports filed under the act may be microfilmed, and must be destroyed after the required preservation period [433].

C. Law Enforcement Entities. The attorney general is to be referred all cases in which the filing official believes that a required report has been improperly filed or not filed and the proper time for rectification has passed [434]. Other cases may be referred at the discretion of the secretary of state.

The attorney general in cases involving expenditure violations under the state campaign fund [435], and the attorney general and the prosecuting attorney of the appropriate county in cases te or involving laimproper filing under other provisions of the act [436] may, upon a finding of guilt by circuit court of that county, ask that a person be prohibited from assuming the duties of a public office or from receiving compensation from public funds, or both [437].

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9. MCL § 169.228(1)
10. Department of State General Rules (hereafter Rules) 35a(1)
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58. MCL § 169.254(1), (2)
59. IS, October 22, 1985 (letter to
    McLellan)
60. MCL § 169.254(1)
61. IS, January 16, 1978 (letter to
    McCollough)
62. IS, August 1, 1978 (letter to
    McLaughlin)
63. MCL § 169.255(3)
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CAMPAIGN FINANCE LAW
IN MINNESOTA

I. INTRODUCTION

Minnesota requires candidates, political committees, party committees, and individuals making independent expenditures of more than $100 to file information on all contributions and expenditures, once before each election and once annually. Direct corporate contributions are prohibited. Individuals, other than candidates contributing to their own campaigns and non-party entities, are limited in their contributions to specified amounts per office that vary according to whether an election is to be held in a particular year. Party contribution limits are five times these limits. Anonymous contributions must be less than $20. Minnesota permits a 50% tax credit for qualified contributions up to a limit of $50 ($100 for a joint return) and a $2 tax checkoff ($4 for a joint return). Funds from the checkoff and excess anonymous contributions are distributed to candidates for statewide office, the state senate, and the state house of representatives in primary and general elections. The ethical practices board is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a transfer of funds, money, or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question [1]. A contribution also includes a donation in-kind of anything of value other than money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting and defeating a ballot question [2]. A donation in-kind includes an approved expenditure [3]. A contribution includes any loan or advance of credit to a political committee, political fund, or principal campaign committee that is forgiven or paid by an entity other than that to which the loan or advance of credit is made [4]. A contribution made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate [5].

A contribution does not include services provided without compensation by an individual volunteering his time on behalf of a candidate, ballot question, political committee, or political fund, or the publicity or broadcasting of news items or editorial comments by the news media [6].

Certain expenditures by a state political party or a substate unit of a state political party are not considered to be contributions to any candidate, and are not to be allocated to any candidates [7]. These include expenditures on behalf of candidates of that party generally, without referring to any of them specifically in any published, posted, or broadcasted advertisement [8]; for the preparation, display, mailing, or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot [9]; for any telephone conversation including the names of three or more individuals whose names are to appear on the ballot [10]; or for any political party fundraising effort on behalf of three or more candidates [11].

B. Limitations on Nature of Contributions. No anonymous contribution in excess of $20 may be retained by any political committee or political fund, but must be forwarded to the ethical practices board within 14 days after receipt and deposited in the general account of the state elections campaign fund [12]. Every individual who receives a contribution in excess of $20 for a political committee or political fund must, on demand of the treasurer, inform the treasurer of the name and, if known, the address and source of the contribution, together with the date it was received [13]. All transfers received by, or on behalf of, any candidate, political committee, or political fund are to be deposited in an account designated "Campaign Fund of . . . (name of candidate, committee, or fund)" [14]. All transfers are to be deposited promptly upon receipt, except for transfers received during the last three days of any reporting period in which they were received [15]. Any transfer received during the last three days of a reporting period is to be deposited within 72 hours of receipt and must be reported as received during the reporting period whether or not deposited during that period [16]. Any deposited transfer may be returned to the contributor within 60 days of deposit [17]. A transfer deposited and not returned within 60 days of that deposit must be deemed to be accepted by the candidate, political committee, or political fund [18].

A political committee may accept a contribution in the form of stock if the market value of the stock can be determined readily [19]. The amount of the contribution reported is equal to the market value on the date received, and the stock must be converted into cash within 30 days after receipt [20]. Free air time given to and controlled by a candidate for the purpose of influencing his nomination or election must be reported as an in-kind contribution [21]. Credit card contributions are authorized [22].

Any individual, political committee, or political fund that receives from any source a contribution that, in the aggregate, exceeds $50 for legislative candidates or $100 for statewide candidates or ballot questions, with the express or implied condition that the contribution, or any part of it, be directed to a particular candidate, must disclose to the ultimate recipient and in required reports the original source of the contribution, the fact that the contribution is earmarked, and the candidate to whom it is directed [23]. The ultimate recipient of any contribution so earmarked must also disclose the original source and the individual, political committee, or political fund through which it is directed [24].

No person may demand, solicit, ask, or invite any payment or contribution to any charitable, religious, or other causes or organizations, supposedly to be primarily for the public good, from any candidate for nomination or election or committee to subscribe for the support of any club or organization or to buy tickets to any entertainment or ball, or to pay for space in any book, program, periodical, or publication [25]. This does not apply to the solicitation of any business advertisement in periodicals in which the candidate was a regular contributor prior to his candidacy; to ordinary business advertisements; to regular payments of any organization, religious, charitable, or otherwise, of which he was a member or to which he was a contributor for more than six months before his candidacy; or to any ordinary contributions at church services [26].

C. Limitations on Solicitations. No officer, agent, clerk, or employee of any political subdivision may, directly or indirectly, during his hours of employment, solicit or receive funds or at any time use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization; pay or promise to pay any assessment, subscription, or contribution; or take part in any political activity [27]. No political subdivision may impose or enforce any additional limitations on the political activities of its employees [28].

D. Contributions From an Association Political Fund. No association, other than a political committee may transfer more than $100 in the aggregate, in any one year to candidates or political committees, unless the transfer is made from a political fund [29]. Any association may, if not prohibited by other law, deposit in its political fund money derived from dues or membership fees [30]. Voluntary checkoff plans conducted by a membership association may be used by a political committee or political fund if the political committee or fund reimburses the association for all costs in soliciting, collecting, and recording amounts allocated to the political committee or fund, and receives only legal contributions [31]. A single payment covering both dues and political contributions is to be put into a separate trust bank account, with the political contribution transferred promptly to the political committee or fund [32]. The contents of a political fund must not be commingled with any other funds or with the personal funds of any office, member, or associate of the fund [33].

E. Limitations on Corporate Contributions. No corporation doing business in the state may make any contribution or offer, consent, or agree to make any contribution, directly or indirectly, of any money, property, free service of its officers or employees, or thing of value to any major political party, organization, committee, or individual to promote or defeat the candidacy of any person for nomination, election, or appointment to any political office [34]. A corporation doing business in the state may make contributions to promote or defeat a ballot question, qualify a question for placement on the ballot, or express its views on issues of public concern [35]. A corporation may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote, if the projects are not controlled by or operated for the advantage of any candidate, major political party, or political committee [36]. A corporation may provide meeting facilities to any political committee, major political party, or candidate on a nondiscriminatory and nonpreferential basis [37]. A corporation selling products or services to the public may also post on their public premises messages that promote participation in precinct caucuses, voter registration, or elections, if the messages are not controlled by or operated for the advantage of any candidate, major political party, or political committee [38]. A major political party may form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters [39].

No insurance company or association, including fraternal beneficiary associations, doing business in the state may, directly or indirectly, pay, use, or offer, consent, or agree to pay or use any money or property for or in aid of, any political party, committee, or organization; any corporation, joint stock associations or other associations organized or maintained for political purposes; any candidate for political office or for nomination for such office; any political purpose; or reimbursement or indemnification of any person for money or property so used [40].

The limitations on corporate contributions do not apply to nonprofit corporations [41]. Similarly, a conduit or nonpartisan political action committee, for which corporate employees specify particular candidates to whom they wish to contribute, and an independent political action committee sponsored by an organization in name only, but not receiving any subsidy, directly or indirectly, from the sponsoring entity and that only supports candidates designated by its contributors, are permissible [42]. A partisan political action committee funded by separate collections of funds, and maintained by a corporation that provides both administrative support and designates the fund's beneficiaries and how much they may receive, is not permitted under law [43].

F. Prerequisites to Acceptance of Contributions. No candidate may accept contributions from any source, other than himself, aggregating in excess of $100, or any moneys from the state elections campaign fund unless he designates and causes to be formed a single principal campaign committee [44]. No contribution may be accepted by, or on behalf of, a political committee or a political fund when there is a vacancy in the office of treasurer [45]. No treasurer may accept a contribution of more than $100 from an association not registered with the ethical practices board, unless the contribution is accompanied by a written statement that satisfies the requisite disclosure requirements [46]. The statement must be certified as true and correct by an officer of the contributing political committee or political fund, and the political committee or political fund that accepts the contribution must include a copy of the statement with the report that discloses the contribution to the board [47]. The transfer of money by a national political party to its Minnesota affiliate does not require such a statement [48].

G. Limitations on Amounts of Contributions. Limitations are imposed on the amount of contributions that a candidate may permit his principal campaign committee to accept from any individual, political committee, or political fund [49]. The contribution limits apply to general elections and to special elections, separately [50]. Candidates for governor and lieutenant governor, running together, may not accept single contributions of more than $60,000 in an election year for the office sought, and $12,000 in other years [51]; a candidate for attorney general may not accept such contributions in excess of $10,000 in an election year for the office sought, and $2,000 in other years [52]; candidates for the offices of secretary of state, state treasurer, or state auditor are $5,000 in an election year for the office sought, and $1,000 in other years [53]; state senate candidates have a limit of $1,500 in an election year for the office sought, and $300 in other years [54]; and a candidate for state representative faces a limit of $750 in an election year for the office sought, and $150 in other years [55]. An individual candidate is not limited in the amount he may contribute for the purpose of influencing his own nomination or election [56]. No candidate may permit his principal campaign committee to accept a loan, from other than a financial institution, for an amount in excess of the contribution limits or from a financial institution for which that financial institution may hold any endorser of that loan liable to pay any amount in excess of the amount that the endorser may contribute to that candidate [57]. Loan agreements must be made in writing [58].

A political party may contribute to a candidate five times the contribution limit imposed upon an individual, political committee, or political fund [59]. A political party is defined for this purpose as the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts [60]. The organization of a political party does not include a political party ward organization; a social club of a political party in a congressional district, legislative district, municipality, or precinct; an auxiliary committee of a political party unit; or an association that uses a political party name and is not listed in the definition of a political party for contribution limitation purposes [61].

When a candidate who sought nomination or election to one office subsequently seeks nomination or election to another office in the same election year, the contributions received to influence the nomination or election to the first office must not be counted toward the campaign contribution limits for the subsequent office sought [62]. Exclusive of personal funds of a candidate as reported on the periodic reports, the candidate may permit his principal campaign committee to accept contributions, up to the applicable contribution limit for a political committee, from another principal campaign committee formed by that candidate in seeking another office to further his nomination or election to the other office [63].

When a contribution is given on a check written on a joint account, it may be deemed a contribution by the signator of the check, unless otherwise specified [64]. When a contribution is given on a check written on a joint account and specified as a joint contribution, it may be deemed a separate contribution by each of the holders of the joint account in a proportional amount [65].

H. Requirements for Independent Solicitations. All written communications with those from whom contributions are independently solicited or accepted must contain a statement, in conspicuous type, that the activity is not approved by the candidate nor is he responsible for it [66]. Similar language must be included in all oral communications [67].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a purchase, a payment of money or anything of value or an advance of credit made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question [68]. An expenditure is considered to be made in the year in which the goods or services for which it was made are used or consumed [69]. An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate [70].

An expenditure does not include a non-campaign disbursement which is a purchase; payment of money, or anything of value made or as an advance of credit incurred by a political committee, political fund, or principal campaign committee for any purpose other than to influence the nomination or election of a candidate, or to promote or defeat a ballot question [71]. A non-campaign disbursement includes payment for accounting and legal services [72]; return of a contribution to the source [73]; repayment of a loan made to the political committee, political fund, or principal campaign committee by that committee or fund [74]; payment for food and beverages consumed at a fundraising event [75]; services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed from the beginning of the term of office to 60 days after adjournment sine die of the legislature in the election year for the office held [76]; and a donation in-kind given to the political committee, political fund, or principal campaign committee for food and beverages to be consumed at a fundraising event or constituent services as above [77].

An expenditure does not include a transfer, money, or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question [78]. Services provided without compensation by an individual volunteering his time on behalf of a candidate, ballot question, political committee, or political fund [79] and the publishing or broadcasting of news items or editorial comments by the news media are not expenditures [80].

An approved expenditure is an expenditure made on behalf of a candidate by an entity other than the principal campaign committee for that candidate with the authorization of, expressed or implied consent of, in cooperation or in concert with, or at the request or suggestion of that candidate, his principal campaign committee, or his agent [81]. An approved expenditure is a contribution to that candidate [82].

B. Limitations on Nature of Expenditures. No expenditure may be made by a political committee, political fund, or principal campaign committee on behalf of a candidate for statewide office, the state legislature, or the supreme court, court of appeals, district court, county court, probate court, or municipal court judgeships, unless it is authorized by the treasurer or deputy treasurer of that committee or fund [83]. No individual or association may make an approved expenditure of more than $20 until a written authorization is received as to the amount that may be spent and the purpose of the expenditure from the treasurer of the principal campaign committee of the candidate who approved the expenditure [84]. The treasurer or deputy treasurer of a political committee may sign miscellaneous expenditure vouchers for petty cash of not more than $100 per week for statewide elections or $20 per week for legislative elections [85]. Every person who has a bill, charge, or claim against any political committee or political fund for any expenditure on behalf of a candidate for statewide office, state legislature, or for supreme court, court of appeals, district court, county court, probate court or municipal court judgeships must render, in writing to the treasurer of the committee or fund, the bill, charge, or claim within 60 days after the material or service is provided [86], or within 10 days for all other candidates except those running for president and vice president [87].

No owner, publisher, editor, reporter, agent, or employee of any newspaper or periodical may, directly or indirectly, solicit, receive, or accept any payment, promise or compensation nor may any person pay or promise to pay any such owner, publisher, editor, reporter, agent, or employee, directly or indirectly, for influencing or attempting to influence through any printed matter in the newspaper or periodical any voting at any election or primary through any means except through matter inserted in the newspaper or periodical as a paid advertisement under law [88].

C. **Independent Expenditures.** An independent expenditure is an expenditure advocating the election or defeat of a clearly identified candidate that is made without the express or implied consent, authorization, or cooperation of any candidate, his principal campaign committee, or his agent, and is not made in concert with or at the request or suggestion of any candidate, his principal campaign committee, or his agent [89]. An independent expenditure is not a contribution [90].

Any individual, political committee, or political fund that makes independent expenditures must publicly disclose that the candidate has not approved the expenditure [91]. All written communications with those to whom independent expenditures are made on behalf of a candidate must contain a statement, in conspicuous type, that the activity is not approved by the candidate nor is he responsible for it, with similar language included in all oral communications, in conspicuous type on the front page of all literature and advertisements published or posted, and at the end of all broadcasted advertisements made by that individual, political committee, or political fund on the candidate's behalf [92].

A candidate who prepares and distributes a sample ballot which contains the names of other candidates must include the proper disclaimer required for independent expenditures, and must report the total cost of the preparation, printing, and distribution of the sample ballot unless the candidate is making an approved expenditure [93].

D. **Permissible Expenditures.** The expenditure of money or other thing of value by any candidate, personal campaign committee, party committee, or political committee for political purposes is limited to permitted expenditures [94]. Permitted expenditures are salaries, wages, and fees [95]; communications, mailing, transportation, and travel, [96]; campaign advertising [97]; printing [98]; office and other space, and necessary equipment, furnishings, and supplies incident thereto [99]; and other expenses that are reasonably related to the conduct of elections [100]. No person or candidate for nomination or election to public office, either by himself or by any other person, directly or indirectly, may give, provide, pay, or promise to pay wholly or in part, the expenses of giving or providing any meat, drink, entertainment, or provisions, clothing, liquors, cigars, or tobacco to any person for the purpose of, or with the intent to, influence that person or any other person to give, or refrain from giving, his vote at the primary or general election to or for any candidate or measure before the people [98], nor may any elector accept any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco [102].

E. **Limitations on Amounts of Expenditures.** In 1980, the voters of Minnesota amended the state constitution to require that the amount that may be spent by a candidate for constitutional or legislative office to campaign for nomination or election be limited by law [103]. Limitations are placed upon the campaign expenditures of candidates for certain offices who agree to be bound by the limits as a condition of receiving a public campaign subsidy [104]. In a year in which an election is held for an office sought by a candidate, no expenditure may be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which result in an aggregate amount of the greater of 12.5¢ per capita or $600,000 for governor and lieutenant governor, running together [105]; the greater of 2.5¢ per capita or $100,000 for attorney general [106]; the greater of 1.25¢ per capita or $50,000 for secretary of state, state treasurer, and state auditor [107]; the greater of 20¢ per capita or $15,000 for state senator [108]; and the greater of 20¢ per capita or $7,500 for state representative [109]. In addition to the joint spending limit that a candidate for lieutenant governor shares with that candidate's gubernatorial running mate, a candidate for endorsement for the office of lieutenant governor at the convention of a political party may make expenditures and approved expenditures of $30,000 or 5% of that joint limit, whichever is greater, to seek endorsement [110]. The winning candidate in a contested race in a primary, who receives less than twice as many votes as any one of his opponents in that primary, may make aggregate expenditures and approved expenditures equal to 120% of the applicable expenditure limit [111]. In any year following an election year for the office held or sought, the aggregate amount of expenditures by, and approved expenditures on behalf of a candidate for or holder of that office, must not exceed 20% of the applicable expenditure limit [112].

The expenditure limits are to be adjusted by the Consumer Price Index, beginning in 1982 [113]. The 1982 limitations were $1,270,800 for governor and lieutenant governor; $211,800 for attorney general; $105,900 each for secretary of state, state auditor, and state treasurer; $31,770 for state senator; and $15,885 for state representative, while the 1983 limitations were $254,160 for governor and lieutenant governor; $42,360 for attorney general; $21,980 each for secretary of state, state auditor, and state treasurer; $6,354 for state senator; and $3,177 for state representative [114]. An additional $63,540 could be spent in 1982 by a candidate seeking endorsement for lieutenant governor [115]. These dollar amounts are to be adjusted for general election year 1984 and subsequent general election years [116]. By June 1st of the general election year, the executive director of the board must determine the percentage increase in the U.S. Department of Labor Consumer

Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area, from April of the last general election year to April of the year in which the determination is made, and multiply the dollar amounts for the preceding general election year by that percentage [117]. The product of the calculation must be added to each dollar amount to produce the dollar limitations to be in effect for the next general election and rounded up to the next highest whole dollar [118].

Certain expenditures by a state political party, or substate unit of a state political party, are not considered to be subject to the candidate expenditure limitations and may not be allocated to any candidates [119]. These include expenditures on behalf of candidates of that party generally, without referring to any of them specifically in any advertisement published, posted, or broadcasted [120]; expenditures for the preparation, display, mailing, or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot [121]; expenditures for any telephone conversation including the names of three or more individuals who are to appear on the ballot [122]; or expenditures for any political party fundraising effort on behalf of three or more candidates [123].

F. Limitations on Corporate Expenditures. It is unlawful for any corporation doing business in the state to make any expenditure to promote or defeat the nomination or election of any candidate to any political office that is made with the authorization of expressed or implied consent of, in cooperation or in concert with, or at the request or suggestion of a candidate, his principal campaign committee, or his agent [124]. A corporation doing business in the state is also prohibited from making any independent expenditure or to offer, consent, or agree to make any independent expenditure to promote or defeat the candidacy of any person for nomination, election, or appointment to any political office [125]. A corporation doing business in the state may make expenditures to promote or defeat a ballot question, to qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern [126].

No insurance company or association, including fraternal beneficiary associations, doing business in the state may, directly or indirectly, pay, use, or offer, consent or agree to pay or use, any money or property for, or in aid of, any political party, committee, or organization; any corporation, joint stock associations, or other association organized or maintained for political purposes; any candidate for political office or for nomination for such office; any political purpose; or for reimbursement or indemnification of any person for money or property used [127].

There are no limitations on independent expenditures on behalf of candidates by those other than corporations [128].

IV. REPORTING REQUIREMENTS

A. Registration. Any group of two or more persons that receives contributions or makes expenditures, transfers of funds, or independent expenditures, in the aggregate of more than $100, to influence the nomination or election of one or more candidates for statewide or legislative office or to promote or defeat a ballot question, must register as a political committee or political fund [129]. If the group's major purpose is to influence the nomination or election of one or more candidates or to promote or defeat a ballot question, it must register as a political committee [130]. If the group is an association whose major purpose is none other than to influence nominations or elections or to promote or defeat a ballot question, it must register as a political fund [131]. When a person or group merely solicits contributions with the approval of a candidate or the treasurer, deputy treasurer, or agent of a political committee or political fund and when those contributions are made directly to the reporting committee or fund, that person or group need not establish a separate political committee or political fund [132].

The treasurer of a political committee or political fund must register with the board by filing a statement of organization no later than 14 days after the date upon which the committee or fund has made a contribution, received contributions other than from the candidate personally, or made expenditures in excess of $100 [133]. The statement of organization must include the name and address of the political committee or political fund [134]; the name and address of any supporting association of a political fund [135]; the name and address of the chairman, treasurer, and any deputy treasurers [136]; a listing of all depositories or safety deposit boxes used [137]; a statement as to whether the committee is a principal campaign committee [138]; and, in the case of political parties, a list of categories of substate units [139].

A candidate for election to an office other than a constitutional office, member of the legislature, justice of the supreme court, or court of appeals, district court, county court, probate court, or county municipal court judgeships may select a single, personal campaign committee consisting of one or more persons [140]. Before any personal campaign committee incurs any obligation to make or makes any disbursement on the candidate's behalf, the candidate must file with the filing officer of such candidate a written statement signed by the candidate, setting forth that the personal campaign committee has been appointed, and giving the name and address of each member and the committee's secretary [141].

B. Required Reporting and Special Exemptions. A report of receipts and expenditures is required from every candidate and the secretary of every personal campaign and party committee [142]; each political committee [143]; the treasurer of every committee and political fund [144]; every candidate who does not designate and cause to be named a principal campaign committee; and any individual who makes independent expenditures or expenditures expressly advocating the approval or defeat of a ballot question in an aggregate in excess of $100 in any year [145]. Candidates in municipal elections in municipalities having 20,000 or fewer inhabitants are not required to file statements [146]. Reporting begins in the first year a committee or fund receives contributions or makes expenditures in excess of $100 and continues until the committee or fund is terminated [147].

The board must exempt any member of or contributor to any association political committee, political fund, or any other individuals from the reporting requirements if the member, contributor, or other individual demonstrates by clear and convincing evidence that disclosure would expose him to economic reprisals, loss of employment, or threat of legal coercion [148]. An association, political committee, or political fund may seek an exemption for all of its members or contributors if it demonstrates by clear and convincing evidence that a substantial number of its members or contributors would suffer a restrictive effect on their freedom of association if members were required to seek exemptions individually [149].

Candidates for statewide office, state legislature, or supreme court, court of appeals, district court, county court, probate court, and municipal court judgeships, and committees supporting or opposing such candidates or ballot questions, file their reports with the ethical practices board [150]. All reports or statements that must be filed with the board by the principal campaign committee of legislative candidates must be duplicated and filed by the board with the auditor of each county in which the legislative district lies within 72 hours of the date the report or statement is required to be filed or, if the report or statement is delinquent, within 72 hours of the time the report is actually filed [151].

Each report required to be filed by a treasurer of a political committee or political fund or by any other individual must be signed and certified as true by the individual required to file the report [152]. Reports must be filed with the board on or before January 31st of each year, and additional reports filed in each year in which the name of the candidate is on the ballot [153]. In each year in which the name of a candidate is on the ballot, the report of the principal campaign committee must be filed 10 days before a primary and a general election, seven days before a special primary and a special election, and 30 days after a special election [154]. The report due after a special election may be filed on January 31st following the special election if the special election is held not more than 60 days before that date [155]. In each general election year, political committees and political funds other than principal campaign committees must file reports 10 days before a primary and general election [156]. If a scheduled filing date falls on a Saturday, Sunday, or legal holiday, the filing date may be on the next regular business day [157].

Each report must disclose the amount of liquid assets on hand at the beginning of the reporting period [158], and the name, address, and employer, or occupation if self-employed, of each individual, political committee, or political fund that within the year has made one or more transfers or donations in-kind to the political committee or political fund, including the purchase of tickets for all fundraising efforts, that in aggregate exceed $50 for legislative candidates or $100 for statewide candidates or ballot questions, the amount and date of each transfer and donation in-kind, and the aggregate amount of transfers and donations in-kind within the year from each source so disclosed [159]. A donation in-kind must be disclosed at its fair market value, and is considered consumed in the reporting period in which it is received [160]. An approved expenditure is listed as a donation in-kind [161]. The names of contributors must be listed in alphabetical order [162].

The sum of contributions to the political committee or political fund during the reporting period is to be reported [163], as is each loan made or received by the political committee or political fund within the year in an aggregate in excess of $100, continuously reported until repaid or forgiven, together with the name, address, occupation, and principal place of business, if any, of the lender and any endorser, and the date and amount of the loan [164]. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it must be reported as a contribution for the year in which the loan was made [165].

Also required to be reported are each receipt in excess of $100 not otherwise listed [166]; the sum of all receipts of the political committee or political fund during the reporting period [167]; the name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by, or on behalf of the political committee or political fund within the year in excess of $100, together with the amount, date, and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question that the expenditure is intended to promote or defeat, and, in the case of an independent expenditure made in opposition to a candidate, the name, address, and office sought for each such candidate [168]; the sum of all expenditures made by, or on behalf of, the political committee or political fund during the reporting period [169]; and the amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven [170]. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that political campaign committee, it must be reported as a donation in-kind for the year in which the advance of credit was incurred [171].

The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of $100 have been made within the year, together with the amount and date of each transfer must be reported [172], as must be the sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period [173]; the sum of non-campaign disbursements, broken out by category, made by principal campaign committees during the reporting period [174]; and the sum of all non-campaign disbursements made by the political committee, political fund, or principal campaign committee during the reporting period [175].

The reports of a principal campaign committee of a legislative candidate must list in a prominent place on the first page of every report each county in which the legislative district lies [176].

A report must cover the period from the last day covered by the previous report to seven days prior to the filing date, except that the report due on January 31st must cover the period from the last day covered by the previous report to December 31st [177]. In any statewide election, any contribution or contributions from any one source totaling $2,000 or more, or in any legislative election totaling $200 or more, that are received between the last day covered in the last report prior to an election and the election must be reported to the board in person or by telegram or mailgram within 48 hours after its receipt, or by certified mail sent within 48 hours after its receipt, and also in the next required report [178].

Any individual, political committee, or political fund filing a report or statement disclosing any independent expenditure must file with that report a sworn statement that the expenditures were not made with the authorization of, expressed or implied consent of, in cooperation or in concert with, or at the request or suggestion of any candidate, his principal committee, or his agent [179].

If no contribution is received or expenditure made by, or on behalf of, a candidate, political fund, or political committee during a reporting period, the treasurer of the committee or fund must file with the board at the required reporting times a statement to that effect [180].

The treasurer must list contributions from the same source under the same name [181]. When a contribution received from any source in a reporting period is added to previously reported, unitemized contributions from the same source and the aggregate exceeds the disclosure thresholds, the name, address, and employer, or occupation if self-employed, of that source must then be listed on the prescribed schedule [182]. A political committee or political fund making an expenditure on behalf of more than one candidate for state or legislative office must allocate the expenditure among the candidates on a reasonable cost basis and report the allocation for each candidate [183]. A political committee or political fund accepting a contribution of more than $100 from a political committee or political fund not registered in Minnesota must include a copy of the written statement meeting disclosure requirements that is required to accompany such a contribution, in order for the contribution to be eligible to be accepted with the report that discloses the contribution to the board [184].

Any material changes in information previously submitted and any corrections to a report or statement must be reported, in writing, to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy [185]. The change or correction must identify the form and the paragraph containing the information to be changed or corrected [186].

Every candidate for office other than president or vice president; state constitutional office; member of the legislature; justice of the supreme court, court of appeals, or district court, county court, probate court, or county municipal court judges; and municipal office candidates in municipalities having fewer than 20,000 inhabitants; and the secretary of every personal campaign and party committee must, eight days before the primary, on or before the 10th day following the primary, eight days before the general election, and on or before the 10th day following the general election (or seven days before and after each election for municipal candidates [187]), file a financial statement verified by the candidate or secretary of the committee, as appropriate, that shows in itemized detail all transactions, disbursements, and obligations to make disbursements for political purposes [188]. Each statement after the first must contain a summary of all preceding statements [189].

The statement of any candidate and the statement of his personal campaign committee must be filed with the filing officer of such candidate [190]. The statement of every state committee and of every congressional committee must be filed with the secretary of state [191]. Candidates for election to the U.S. house of representatives and senate, and any political committees raising funds and making expenditures exclusively on behalf of any one of those candidates, may file copies of their federally required financial disclosure forms in lieu of the state requirements [192]. The statement of every party committee for a legislative district must be filed with the filing officer of the candidate for senator or representative in such legislative district [193]. The statement of every other party committee must be filed in the office of the county or subdivision within which the disbursements were made [194].

Each statement must set forth in full detail every sum of money, all property, and every other thing of value received by the candidate or committee during such period from any source he or it uses, has used, or is at liberty to use for political purposes, together with the name of every person or source from which each was received, the date when each was received, and the total amount received from all sources in any amount or manner [195]; every promise or pledge of money, property, or other thing of value received by the candidate or committee during such period, the proceeds of which he uses, has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged, the date when each was so promised or pledged, and the total amount promised or pledged from all sources in any amount or manner [196]; every disbursement by the candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement was made, the specific purpose for which each was made, the date each was made, and the total amount of disbursements made in any manner [197]; and every obligation, expressed or implied, to make any disbursement incurred by the candidate or committee for political purposes during the period, the names of the persons to or with whom each such obligation was made, the date when each was incurred, and the total amount of such obligations made in any amounts or manner [198].

A statement must also be made by a political committee showing the total amount of receipts and disbursements and for what purpose such disbursements were made [199]. Such a statement must be filed within 30 days after any primary, municipal, or general election, when the committee is organized to support a candidate for a federal office, with the filing officer of such candidate [200]; when the committee is organized to support a candidate for a judicial, district, or county office, with the auditor of the county in which such committee has its headquarters [201]; and when the committee is organized to support a candidate for municipal office in municipalities having more than 20,000 population, with the filing officer of the municipality [202].

Any individual, political committee, association, or corporation, making any contribution or expenditure to promote or defeat a non-statewide ballot question that may be voted on by the voters in one or more political subdivisions of the state [203], must file reports eight days before and on or before the 10th day after any election with the official responsible for placing the question on the ballot [204]. Each report must cover the period from the last report to seven days before the filing date and must show the name and address of each committee, individual, or other person to whom aggregate contributions or expenditures in excess of $100 have been made to promote or defeat a ballot question, together with the amount, date, and purpose of the contribution or expenditure [205], the total amount of contributions and expenditures made to promote or defeat a ballot question [206], and identification of the ballot question that the individual, political committee, association, or corporation seeks to promote or defeat [207]. A contribution or expenditure for activities related to qualifying a question for placement on the ballot is a contribution or expenditure to promote or defeat the ballot question [208].

For any one project conducted by a corporation to encourage individuals to attend precinct caucuses, register, or vote that exceeds $100, the corporation must report the total amount, together with the date, purpose, and names and addresses of the persons receiving the contributions or expenditures to the secretary of state eight days before and on or before the day after each election [209].

V. PUBLIC FINANCING PROVISIONS

A. State Elections Campaign Fund. The state maintains a state elections campaign fund within the special revenue fund of the state [210]. Within the state elections campaign fund account, a separate amount is maintained for the candidates of each political party, as is a general account [211]. The fund is supported by income tax and renter and homeowner property tax refund return checkoffs [212]. Candidates qualify for funds from the party account by winning the primary election of a political party or by petitioning to the general election ballot for a political party, and from the general account, if a legislative candidate, by receiving 10% of the votes cast for the office sought, or if a statewide candidate, by receiving 5% of the votes cast for the office sought [213].

B. Allocation of Funds. The moneys in each party account and the general account are to be allocated in each calendar year with 21% for the offices of governor and lieutenant governor, together [214]; 3.6% for the office of attorney general [215]; 1.8% each for the offices of secretary of state, state auditor, and state treasurer [216]; in each calendar year during the period in which state senators serve a four-year term, 23 1/3% for the office of state senator and 46 2/3% for the office of state representative [217]; and in each calendar year during the period in which state senators serve a two-year term, 35% each for the offices of state senator and state representative [218]. To ensure that moneys will be returned to the counties from which they were collected, and to assure that the distribution of these moneys rationally relates to the support for particular parties or for particular candidates within legislative districts, moneys from the party accounts are to be distributed according to a specified formula [219]. Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election must receive moneys from the party account in an amount for each county within the candidate's district that takes into account the sum of the votes cast in the last general election in that part of the county in his district for all candidates of his party whose name appeared on the ballot in each voting precinct of the state [220], and for the state senate and state house of representatives, divided by [221] the sum of the votes cast in that county in the last general election for all candidates of his party whose name appeared on the ballot in each voting precinct in the state [222], and for the state senate and state house of representatives, multiplied by [223] the amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which he is a candidate [224]. The sum of all the county shares so calculated is the candidate's share of his party account [225]. In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred [226]. For the first election following reapportionment the amount is calculated by using voting data from the last general election and applying it to the area constituting the newly-drawn district [227]. For any party under whose name no candidate appeared on the ballot in each voting precinct in the last general election, amounts in the party's account are to be allocated on the basis of the number of people voting in the last general election, multiplied by the amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the individual is a candidate [228].

C. Limitations on Use of State Election Campaign Fund Money. State election campaign fund money is only available in general elections and primaries preceding general elections, and is not available for special elections or special primaries [229]. Funds from a party account not distributed to candidates for state senator and representative in any election year must be returned to the general fund of the state [230]. Funds from a party account not distributed to candidates for other offices in an election year must be returned to the party account for reallocation to other candidates in the following year [231]. If a political party for whose candidates funds have been accumulated in the state elections campaign fund does not have a candidate for the office of state senator or state representative at a general election, the moneys set aside for that office must be returned to the general fund of the state [232]. If that party does not have a candidate for any other office at a general election, the money set aside for that office must be returned to the general account of the state elections campaign fund for reallocation to candidates [233]. Moneys from the general account refused by any candidate must be distributed to all other qualifying candidates in proportion to their shares [234].

D. Expenditure Limitations. As a condition of receiving any money from the state elections campaign fund, a candidate, including a write-in candidate [235], must agree, by stating in writing to the board, that his expenditures and approved expenditures will not exceed the expenditure limits for that office sought [236] and that he will not accept contributions or allow approved expenditures to be made on his behalf for the period beginning with January 1st of the election year or with the registration of his principal campaign committee, whichever occurs later, and ending December 31st of the election year, which aggregate contributions and approved expenditures exceed the difference between the amount that may legally be expended by the candidate, or on his behalf, and the amount he receives from the state elections campaign fund [237]. The agreement, insofar as it relates to the expenditure limits, remains effective until the dissolution of the principal campaign committee of the candidate or the opening of filings for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first [238]. Money in the account of the principal campaign committee of a candidate on January 1st of the election year for the office held or sought are to be considered contributions accepted by that candidate in that year [239]. That amount of all contributions accepted by a candidate in an election year that equals the amount of non-campaign disbursements, contributions, and expenditures to promote or defeat a ballot question made by that candidate in that year must not count toward the aggregate contributions and approved expenditure limit [240]. Any amount by which the candidate's aggregate contributions and approved expenditures during the public financing period exceed the difference must be returned to the state treasurer, but in no case must the amount returned exceed the amount received from the state elections campaign fund [241]. The candidate may submit the signed agreement to the filing officer on the day he files his affidavit of candidacy or petition to appear on the ballot, or he may submit the agreement to the board no later than September 1st [242].

There are no expenditure limits for a candidate who does not sign a public finance agreement [243]. There is no limit on the amount a candidate may contribute to his campaign, even if he signs a public finance agreement; however, a candidate may expend no more than the expenditure limit if he signs a public finance agreement [244].

E. Distribution and Return of Funds. Within two weeks after certification by the state canvassing board of the results of the primary, the commissioner of finance must distribute the available funds in each party account, as certified by the commissioner of revenue on September 15th, to the candidates of that party who have signed the required agreement and whose names are to appear on the ballot in the general election, according to the specified allocation [245]. Within two weeks after certification of the state canvassing board of the results of the general election, the commissioner of finance must distribute the available funds in the general account, as certified by the commissioner of revenue on November 15th, and according to the specified allocations, in equal amounts to all candidates for each statewide office who received at least 5% of the votes cast in the general election for that office and to all candidates for legislative office who received at least 10% of the votes cast in the general election for the specific office for which they were candidates [246]. The board must not use the information contained in the report of the principal campaign committee of any candidate due ten days before the general election for the purpose of reducing the amount due that candidate from the general account [247]. In the event that on the date of either certification by the commissioner of revenue less than 98% of the tax returns have been processed, the commissioner of revenue must certify to the board on December 7th the amount accumulated in each account since the previous certification [248]. Within one week thereafter, the board must certify to the commissioner of finance the amount to be distributed to each candidate, and as soon as practicable thereafter, the commissioner of finance is required to distribute the amounts to the candidates [249]. Any funds accumulated after the final certification are maintained in the respective accounts for distribution in the next general election year [250].

No candidate may be entitled to receive from the state elections campaign fund and retain an amount greater than the aggregate amount of expenditures made by him and approved expenditures made on his behalf [251]. The amount by which the allocation exceeds the expenditure limit must be returned to the general fund of the state [252].

F. Financing for Minor Political Parties. A minor political party may only be certified if the secretary of state determines that a candiate filed for legislative office under the party's name in the last applicable general election and received not less than 10% of the vote for that office, or filed for statewide office, or that the party filed a petition with the secretary of state containing the signatures of 2,000 registered voters who ask that the party be eligible to receive public financing [253]. In addition, the applicant must be a political party, not a principal campaign committee [254]; must have held a state convention in the last two years, adopted a state constitution, and elected state officers [255]; and an officer of the party must so certify these administrative facts to the secretary of state [256].

VI. TAX PROVISIONS

A. Candidate Campaign Expense Deduction. Every candidate may receive a state income tax deduction for actual campaign expenditures that have been personally paid by the candidate for public office, in an amount not to exceed one-third of the salary of the office sought by the candidate for the year the election is held, but no less than $100, not reimbursed [257].

B. Tax Credits for Political Contributions. A taxpayer may receive an income tax credit for a contribution to a legislative or statewide candidate or officeholder who signs and files a tax credit agreement, other than a candidate for an elective judgeship [258]. As a condition of receiving a public subsidy for his election campaign in the form of a tax credit against the tax due from individuals who contribute to his principal campaign committee, a candidate must agree, in writing to the board at any time beginning with the registration of his principal campaign committee, that his expenditures and approved expenditures shall not exceed the expenditure limits set forth for that office [259]. A tax credit agreement may be signed through December 31st to be effective in that calendar year [260]. The agreement remains effective until the dissolution of the principal campaign committee of the candidate or the opening of filing for the next succeeding election for the office held or sought at the time of the agreement, whichever occurs first [261]. The agreement may not be rescinded [262]. The commissioner of revenue may not allow any individual or married couple filing jointly to take a credit against tax due for any contribution to a candidate who has not signed the agreement [263].

A candidate signing the tax credit agreement will receive a supply of official tax credit receipt forms that state in bold face type that a contributor who is issued a receipt form is eligible to receive a credit against his tax due in an amount equal to 50% of the contribution, but not more than $50 for an individual or not more than $100 for a married couple filing jointly, and that the candidate to whom he has contributed has voluntarily agreed to abide by campaign expenditure limits [264]. The campaign expenditures of any candidate who does not sign the tax credit agreement are not limited even if the candidate accepts a contribution for which the contributor claims a credit against tax due [265]. There is no limit on the amount a candidate may contribute to his campaign even if signing a tax credit agreement; however, a candidate may expend no more than the expenditure limit if he signs a tax credit agreement [266]. If a candidate does not sign a tax credit agreement, the candidate may not issue an official tax credit receipt form, or a facsimile of the form [267]. Tax credit receipts may not be issued for a special election [268].

C. Tax Deductions for Political Contributions. As an alternative to claiming a tax credit, a deduction for a political contribution may be claimed on an income tax return, with the maximum not to exceed $100 for an individual natural person, $150 for a county chairman of a major political party, $350 for the congressional district committeemen of a political party, and $1,000 for the national committeemen or state chairman of a major political party [269].

D. Tax Checkoff for Public Financing. Every individual who files a tax return or renter and homeowner property tax refund return with the commissioner of revenue may designate that $2 be paid from the general fund of the state into the state elections campaign fund [270]. If a husband and wife file a joint return, each spouse may designate that $2 is to be paid [271]. An individual who is 18 years of age or older, who is a resident of Minnesota, and who is a dependent of another individual who files a tax return, or a renter and homeowner property tax refund return, may designate that $2 must be paid from the general fund of the state into the state elections campaign fund [272]. No individual may be allowed to designate $2 more than once in any year [273]. The taxpayer may designate that the $2 be paid into the account of a political party or into the general account [274].

A minor political party qualifies for inclusion on the income tax form for the purpose of the checkoff if a candidate of that party filed for legislative office under the party name in the last applicable general election and received not less than 10% of the vote for that office, filed for statewide office [275], or if the party files a petition with the secretary of state containing the names of 2,000 individuals registered to vote in Minnesota and declaring that the signers desire the party to be eligible to receive money from the state elections campaign fund in the same manner as a major political party [276].

VII. POST-ELECTION REQUIREMENTS

A. Recordkeeping. Each person required to file any report or statement must maintain records on the matters to be reported, including vouchers, cancelled checks, bills, invoices, worksheets, and receipts, which will provide the sufficient detail the necessary information from which the filed reports and statements may be verified, explained, clarified, and checked for accuracy and completeness, and he must keep the record available for audit, inspection, or examination by the board or its authorized representatives for four years from the date of filing the reports or statements or changes or corrections thereto [277].

B. Restrictions on Termination. No political committee or political fund may dissolve until it has settled all of its debts and disposed of all its assets in excess of $100 and filed a termination report [278].

VIII. OFFENSES AND PENALTIES

A person charged with a duty under the campaign disclosure law is personally liable for the penalty for failing to discharge it [279].

Any individual who discloses confidential information concerning a complaint or investigation of the ethical practices board in contravention of law is guilty of a misdemeanor [280]. A violation of the laws regarding registration and organization of political committees and political funds is also a misdemeanor [281]. A violation of the provisions for handling contributions and expenditures is also a misdemeanor [282], as is failure to present a bill, charge, or claim when required [283]. Any individual, political committee, or political fund who knowingly accepts any earmarked contribution and fails to make the required disclosure is guilty of a gross misdemeanor [284]. Any person or association who engages in economic reprisals or threatens loss of employment or physical coercion against any person or association because of that person's or association's political contributions or political activity is guilty of a gross misdemeanor [285].

If an individual fails to file a statement due January 31st within seven days after receiving a notice, the board may impose a late filing fee of $5 per day, not to exceed $100, commencing on the 8th day after receiving notice [286]. If an individual fails to file a statement due before any primary or election within three days of the date due, regardless of whether the individual has received any notice, the board may impose a late filing fee of $50 per day, not to exceed $500, commencing on the fourth day after the date the statement was due [287]. An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a misdemeanor [288]. An individual who signs and certifies to be true a report or statement that he knows contains false information, or who knowingly omits required information, is guilty of a gross misdemeanor [289]. Any person who knowingly fails to keep required records is guilty of a misdemeanor [290].

If a political committee or political fund fails to file a required statement within seven days after receiving a notice, the board may impose a late filing fee of $5 per day, not to exceed $100, commencing with the 8th day after receiving notice [291]. An individual who also fails to file the statement of a political committee or political fund within seven days after receiving a second notice from the board is guilty of a misdemeanor [292]. The board is required to grant a waiver of a later filing fee if it is satisfied that the statement or report was not filed on a timely basis due to sickness, injury, or other compelling reason upon receipt of a written request for a waiver [293].

A candidate subject to the expenditure limits who permits his principal campaign committee to make expenditures or permits approved expenditures to be made on his behalf in excess of the limits is subject to a civil fine up to four times the amount that the expenditures exceeded the limits [294]. A candidate who permits his principal campaign committee to accept contributions in excess of the limits imposed is subject to a civil fine of up to four times the amount by which the contributions exceed the limits [295]. All moneys so recovered must be deposited in the general fund of the state [296].

Any attempt by an individual or association to circumvent the provisions of the public disclosure law by redirecting funds through, or contributing funds on behalf of, another individual or association is a gross misdemeanor [297]. Any candidate who does not voluntarily agree to abide by the expenditure limits and who willfully issues an official tax credit receipt form, or a facsimile thereof, to any contributor is guilty of a misdemeanor [298]. A person charged with a duty under the public disclosure law is personally liable for the penalty for failing to discharge the duty [299].

Any person or candidate who makes an unlawful expenditure under the fair campaign practices act is guilty of a misdemeanor [300]. Every treasurer or other person who receives any money to be applied to any of the election purposes for which expenditures are permitted by law and who fails to file the statement and account respecting the same within the time prescribed is guilty of a misdemeanor [301], as is any treasurer or other person who receives such money and who fails to keep a correct book of account containing all the statements and details required by law, with intent to conceal the receipt or disbursement of any sum of money received or disbursed or to conceal the existence of any unpaid debt or obligation, the amount thereof, or to whom the same is due, in detail, or who may mutilate, deface, or destroy such book with like intent [302].

Any officeholder, stockholder, agent, employee, attorney, or other representative of any corporation acting for, or on behalf of, a corporation that violates the fair campaign practices act must be fined not more than $5,000, imprisoned in the state prison for not more than five years, or both, at the discretion of the court [303]. Any corporation found guilty of such a violation is subject to a penalty not exceeding $10,000, and if a domestic corporation, in addition to that penalty, it may be dissolved, and, if a foreign or nonresident corporation, in addition to that penalty, its right to do business in the state may be declared forfeited [304]. Any person or persons who aids, abets, or advises such a violation may be guilty of a gross misdemeanor [305].

Any officer, director, stockholder, attorney, or agent of any corporation or association that violates any of the provisions of the law pertaining to insurance company political contributions and expenditures, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of the provisions is guilty of a gross misdemeanor, and any officer aiding or abetting in any contribution made in violation of the law is liable to the company or association in the amount so contributed [306].

Any person violating any other provision of the fair campaign practices act is, upon conviction, guilty of a gross misdemeanor and will not be permitted to take or hold office to which he was elected, if any, or receive the emoluments thereof [307]. A candidate elected to an office whose election has been annulled and set aside for a violation of the fair campaign practices act may not, during the period fixed by law as the term of such office, be appointed or elected to fill any vacancy that may occur in such office [308]. A candidate or other person who is convicted of any violation of the fair campaign practices act may not, during the period fixed by law as the term of office with respect to which the election was held and the offense was committed, be appointed or elected to fill any vacancy in the office [309]. Any such appointment or election to an office shall be void [310].

When, upon the trial of any action or proceedings under the fair campaign practices act, it appears from the evidence that the offense complained of was not committed by the candidate, or with the candidate's knowledge or consent, or was committed without the candidate's sanction and connivance, and that all reasonable means were taken by the candidate at the election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial or unimportant, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and not from any want of good faith, and under the circumstances it appears to the court to be unjust that the candidate should forfeit the nomination, position, or office, then the nomination or election will not, by reason of the offense complained of, be void nor may the candidate be removed from, nor deprived of, the nomination, position, or office [311].

If any county attorney fails or refuses to faithfully perform any duty imposed on him under the fair campaign practices act, he is guilty of a misdemeanor and must forfeit the office upon conviction [312].

IX. REGULATORY AGENCIES

A. Ethical Practices Board. The six-member ethical practices board is appointed by the governor with the advice and consent of three-fifths of both the senate and the house of representatives, acting separately [313]. One member must be a former member of the legislature from a major political party different from that of the governor; one member must be a former member of the legislature from the same political party as the governor; two members must be persons who have not been public officials, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other two members must not support the same political party [314]. No more than three of the members must support the same political party [315]. The concurring vote of four board members is necessary to decide any matter before the board [316].

The board must appoint an executive director who must be in the unclassified service [317], and report at the close of each fiscal year to the legislature, the governor, and the public concerning the action it has taken, the names, salaries, and duties of all individuals on its employ, and the money it has disbursed [318]. The board must include and identify in its report any other reports it has made during the fiscal year, and may indicate apparent abuses and offer legislative recommendations [319]. The board also is required to prescribe forms for all statements and reports to be filed under the public disclosure law and make the forms available to those required to file them [320]; make available to the individuals required to file the reports and statements a manual setting forth the recommended uniform methods of bookkeeping and reporting [321]; develop a filing, coding, and cross- indexing system [322]; make the reports and statements filed with it available for public inspection and copying at cost by the end of the second day following the day on which they were received [323]; preserve reports and statements for five years from the date of receipt [324]; compile and maintain a current list and summary of all statements or parts of statements pertaining to each candidate [325]; and prepare and publish reports as it may deem appropriate [326].

The executive director of the board or his staff must promptly inspect all material filed with the board [327]. The board must notify by certified mail or personal service any individual who fails to file a required statement [328]. The board must further notify by certified mail or personal service any individual who fails to file any statement within 14 days after receiving a first notice from the board that the individual may be subject to criminal penalty for failure to file a statement [329]. The period is extended to 21 days for a report of a political committee or political fund [330]. The board may assess specified penalties for late filing [331], and may bring an action in the district court of Ramsey County to recover any late filing fee [332].

All reports or statements that must be filed with the board by the principal campaign committee of legislative candidates must be duplicated and filed by the board with the auditor of each county in which the legislative district lies within 72 hours of the date the report or statement is required to be filed or, if the report or statement is delinquent, within 72 hours of the time the report is actually received [333].

The board may also promulgate rules to carry out the purposes of the campaign disclosure law [334], and issue and publish advisory opinions on the law based on real or hypothetical situations [335]. An application for an advisory opinion may only be made by an individual or association that wishes to use the opinion to guide its own conduct [336]. The board must issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit [337]. While an advisory opinion may lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion [338], the board continues to look to them for guidance [339].

The board may make audits and investigations with respect to statements and reports that are filed or should have been filed under the campaign disclosure law [340]. In all matters relating to its official duties, the board has the power to issue subpoenas and cause them to be served [341]. If a person does not comply with a subpoena, the board may apply to the district court of Ramsey County for issuance of an order compelling obedience to the subpoena [342]. A person failing to obey the order is punishable by the court as for contempt [343].

The board may investigate any alleged violation of the campaign disclosure law [344]. Any person who believes a violation of the law or attendant rules has occurred may submit an oral or written complaint [345]. The board must investigate any alleged violation that is alleged in a written complaint [346]. There is no prescribed form for a written complaint, but all such complaints must be typewritten or handwritten legibly [347]. The name and address of the person making the complaint must be typewritten or hand-printed on the complaint, and it must be signed by such person [348]. A complaint must name the alleged violator and describe the complainant's knowledge of the alleged violation [349]. Any evidentiary material must be submitted with the complaint [350]. No investigation is required if the complaint is frivolous on its face, illegible, too indefinite, does not identify the violator, or is unsigned by the complainant [351]. The board need not investigate an oral complaint [352]. No investigation may be undertaken if an oral complaint is frivolous on its face, too indefinite, does not identify the violation, or does not identify the complainant [353]. There is no prescribed format for an oral complaint, but all oral complaints must describe in sufficient detail the alleged violator and violation of the law or rules [354].

Except for alleged violations of expenditure limitations, the board must make a public finding of whether or not there is probable cause to believe a violation has occurred within 30 days after the filing of the complaint [355]. Complaints will not be available for public inspection or copying until after the board makes a finding [356]. In the use of a written complaint alleging a violation of the expenditure limitations, the board must enter a conciliation agreement or make a public finding of whether or not there is probable cause within 60 days of the filing of the complaint [357]. The deadline for action on any written complaint may be extended by a majority vote of the board [358].

If after making a public finding concerning probable cause or entering a conciliation agreement, the board determines that the record of the investigation contains statements, documents, or other matter that, if disclosed, would unfairly injure the reputation of an innocent individual, the board may retain the statement, document, or other matter as a private record and destroy it after one year [359] or return it to the individual who supplied it to the board [360].

If the board finds that there is reason to believe that excess expenditures have been made or excess contributions accepted contrary to law, the board must make every effort, for a period of not less than 14 days after its finding, to correct the matter by informed methods of conference and conciliation and to enter a public conciliation agreement with the person involved, which unless violated, is a bar to any civil proceeding on the matter [361]. If the board is unable, after a reasonable time, to correct by informal methods any matter that constitutes probable cause to believe that excess expenditures have been made or excess contributions accepted, the board must make a public finding of probable cause in the matter and then bring an action or transmit the finding to the county attorney, who must bring an action, in the district court of Ramsey County or, in the case of a legislative candidate, the district court of a county within the legislative district to impose a civil fine as prescribed by the board [362].

Any individual, association, political committee, or political fund seeking an exemption from the reporting provisions on the basis that disclosure would expose the member, contributor, or other individual to economic reprisals, loss of employment, or threat of physical coercion must submit a written application for exemption to the board [363]. The board, without hearing, may grant or deny the exemption within 30 days after receiving an application and must issue a written order stating the reasons for its actions [364]. The board must publish its order in the state register and give notice to all parties known to the board to have an interest in the matter [365]. If the board receives a written objection to its action from any party within 20 days after publication of its order and notification of interested parties, it must hold a contested case hearing on the matter [366]. Upon the filing of a timely objection from the applicant, an order denying an exemption must be suspended pending the outcome of the contested case [367]. The board, by rule, must establish a procedure so that any individual seeking an exemption may proceed anonymously if he would be exposed to the reprisals that form a basis for a cause of action were he to reveal his identity for the purposes of a hearing [368].

Prior to the first day of filing for office, the board must forward forms for the public financing agreement to all filing officers, who must then forward signed agreements without delay to the board [369]. Prior to the first day of filing for office, the board must publish and forward to all filing officers the estimate of the amount of moneys that each qualifying candidate may receive from the party account, based upon information provided by the commissioner of revenue [370]. The board must also forward a copy of any signed tax credit agreement to the commissioner of revenue [371]. The board is required to make available to any candidate signing a tax credit agreement a supply of official tax credit receipt forms [372].

The board may seek an injunction in the district court to enforce the provisions of the campaign disclosure law [373].

B. County Auditor. The county auditor is to receive from the board copies of statements and reports filed with the board by the principal campaign committee of a legislative candidate [374]. Statements and reports filed with the county auditor are to be available to the public for inspection and copying at cost by the end of the record day following the day on which they were received [375]. Statements and reports of principal campaign committees must be retained until four years after the election to which they pertain [376].

C. Commissioner of Revenue. The commissioner of revenue is responsible for affording proper notice of the political tax designation on the tax return [377] and for receiving the tax return [378]. The commissioner must certify the amount of available funds in each party account to the commissioner of finance before the moneys are distributed [379]. The commissioner, on the basis of vote totals provided by the secretary of state, must calculate and certify to the board before July 1st in an election year the commissioner's estimate, after all of the tax returns are processed, of the total amount in the general account and the amount of moneys each qualifying candidate may receive from his party account [380].

D. Commissioner of Finance. Within two weeks after certification by the state canvassing board of the results of the primary, the commissioner of finance must distribute the available funds in each party account on September 15th of each election year, as certified by the commissioner of revenue, to the candidates of that party who have signed the public financing agreement and whose names are to appear on the ballot in the general election, according to the appropriate allocation [381]. Within two weeks after certification by the state canvassing board of the results of the general election, the commissioner of finance must distribute the available funds in the general account, as certified by the commissioner of revenue on November 15th, and according to the specified allocations, in equal amounts to all candidates for each statewide office who received at least 5% of the votes cast in the general election for that office and to all candidates for legislative office who received at least 10% of the votes cast in the general election for the specific office for which they were candidates [382].

E. Secretary of State. The secretary of state must prepare blanks for all statements required under the fair campaign practices act and furnish copies through the county auditor or otherwise to the secretary of every committee, every candidate upon filing of nomination papers, and all other persons required by law to file the statements [383].

The secretary of state, with the approval of the attorney general, is required to prepare and print an easily understandable annotated digest of the fair campaign practices act and distribute it as the secretary is to distribute statements [384]. The secretary of state is also charged with the responsibility of certifying to the commissioner of revenue by July 1st of every odd-numbered year the minor political parties which quality for public financing [385].

F. County Attorney. A county attorney may seek an injunction in the district court to enforce the provisions of the campaign disclosure law [386]. If the county attorney of the county is notified of any violation of the fair campaign practices act, it is his duty, forthwith, to diligently inquire into the facts of the violation and, if there is reasonable ground for instituting a prosecution, to present the charge, with all the evidence he can procure, to the county grand jury [387]. If any county attorney fails or refuses to faithfully perform any duty imposed on him under the act, he is guilty of a misdemeanor and, upon conviction, must forfeit the office [388]. It is the duty of the county attorney, under the penalty of forfeiture of office, to prosecute any and all persons guilty of any violation of the act that carries a penalty of fine, imprisonment, or both, or removal from office [389].

Any citizen may employ an attorney to assist the county attorney in performing his duties under the fair campaign practices act, and such attorney must be recognized by the county attorney and the court as associate counsel in the proceeding. No prosecution, action, or proceeding may be discussed without notice to or against the objection of the associate counsel until the reasons of the county attorney for such dismissal, together with the objections of the associate counsel, have been filed in writing, argued by counsel, and fully considered by the court, with the limitation as to the time of filing such reasons and objections as the court may impose [390].

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4. MS § 10A.01(7)
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41. Minnesota Ass'n of Commerce and Indus. v. Foley, 316 N.W.2d 524 (1982)
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61. M.R. Ch. 4500.1700
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63. M.R. Ch. 4500.1400
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66. MS § 10A.17(4)
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73. MS § 10A.01(10c)(b)
74. MS § 10A.01(10c)(d)
75. MS § 10A.01(10c)(e)
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77. MS § 10A.01(10c)(g)
78. MS §§ 10A.01(10c); 10A.01(7b)
79. MS § 10A.01(10)(c)
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142. MS § 210A.26(1)
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146. MS § 210A.26(4). For special provisions for campaign finance in Hennepin County and its home rule and charter cities with a population of 75,000 or more, see Ch. 362, Sess. Laws 1980
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204. MS § 210A.26(6)

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206. MS § 210A.26(6)(b)
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209. MS § 210A.34(8)
210. MS § 10A.30(1)
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214. MS § 10A.31(5)(1)
215. MS § 10A.31(5)(2)
216. MS § 10A.31(5)(3)
217. MS § 10A.31(5)(4)
218. MS § 10A.31(5)(5)
219. MS § 10A.31(5)(6)
220. MS § 10A.31(5)(6)(a)(i)
218. MS § 10A.31(5)(6)(a)(ii)
221. MS § 10A.31(5)(6)(b)(i)
222. MS § 10A.31(5)(6)(b)(ii)
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242. MS § 10A.32(3)
243. Candidate Handbook
244. Candidate Handbook
245. MS § 10A.31(6). Although the Ethics in Government Act specifies that the state treasurer is to distribute the funds and perform certain other duties in furtherance of the Act, 1985 Spec. Sess. Laws Ch. 13 § 13 transfer these responsibilities to the commissioner of finance. M.S. § 10A has not yet been amended to show this change.
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296. MS § 10A.28(4)
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298. MS § 10A.32(3b)
299. MS § 10A.34(1)
300. MS § [illegible](1)
301. MS § 210A.29
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303. MS § 210A.34(2)
304. MS § 210A.34(2)
305. MS § 210A.35
306. MS § 72A.12(5)
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309. MS § 210A.39
310. MS § 210A.39
311. MS § 210A.38
312. MS § 210A.37
313. MS § 10A.[illegible](1)
314. MS § 10A.02(1)
315. MS § 10A.02(1)
316. MS § 10A.02(3)
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313. MS § 10A.02(1)
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378. MS § 10A.31(1)
379. MS §§ 10A.31(6), (7)
380. MS § 10A.32(3a)
381. MS § 10A.31(6). *See*, supra note 245 for a discussion of the role of the commissioner
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383. MS § 210A.27(1)
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CAMPAIGN FINANCE LAW
IN MISSISSIPPI

I. INTRODUCTION

Mississippi requires candidates and political committees to file periodic pre-election statements of contributions and a single post-election statement of expenditures. Contributions from public utilities generally are prohibited. Corporations may contribute not more than $1,000 per candidate per year and not more than $250 for judicial office primary candidates. Contributions by all other individuals and entities are unlimited, except that contributions of more than $250 may not be made to judicial office primary candidates. State highway patrol or correctional system employees may not make campaign contributions. Mississippi offers no tax incentives for political contributions nor a mechanism for public financing of election campaigns. The secretary of state is responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a payment, gift, the use of automobiles, airplanes or other transportation vehicles, subscription, assessment, contract, payment for services, dues, advance, or forbearance to or on behalf of a candidate or political committee made for the purpose of influencing the nomination or election of any candidate or for the purpose of financing an election campaign of any candidate, whether made before or after the date of the election in which the candidate stands for office [1]. The term includes the purchase of tickets for such events as dinners, luncheons, rallies, and similar fundraising events; the purchase of political programs or similar publications or the purchase of advertising in political programs or similar publications; or a loan, incurring of a financial obligation, or endorsement of a promissory note, the proceeds of which are used for influencing the nomination or election of a candidate, whether made before or after the date of the election in which the candidate stands for office [2].

A contribution does not include a loan made by the candidate that is not endorsed by one other than the candidate from any lending institution licensed by the state [3]; services provided without compensation by an individual volunteering time on behalf of a candidate or political committee without compensation from any source [4]; or the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services at the individual's private, residential premises for candidate-related activities [5].

B. Limitations on Amount of Contributions to Judicial Candidates. It is unlawful for any person, trustee, corporation, or association of persons to make a contribution aggregating more than $250 to or for any candidate for nomination to judicial office [6].

C. Limitations on Solicitations. No person, directly or indirectly, may demand, solicit, ask, or invite from any candidate for any office a donation or promise of a donation, for any educational, charitable, religious, or benevolent purpose, outside of the candidate's county of residence, nor may any candidate make or promise such a donation [7].

No person, directly or indirectly, may demand, solicit, ask, or invite from any candidate for nomination a donation, gift, contribution, or any sort of loan or advancement of any amount of money or of any other thing of value, or the promise thereof, or make any similar demands [8]. This restriction applies to educational, religious, charitable, and benevolent organizations and to every person acting, attempting, or pretending to act for any one of them and includes the purchase of any tickets or equivalent device by which the purposes of the statute might otherwise be circumvented [9]. No person acting individually, as a member of a committee, or otherwise or pretending so to act may engage in the promotion of any public gathering where candidates are to assemble or speak, if the object is to profit from charges made to the candidates; but this does not apply to the rental of halls or grounds at a fair rental nor to charges for expenses for gatherings when only the actual expenses and no profits are taken and candidates are charged or assessed no more than other admissions [10]. No candidate may make any donation, gift, contribution, loan, or advancement, or contribute to the payment of any expenses prohibited by this section [11].

D. Limitations on Corporate Contributions. It is unlawful for any corporation, incorporated company, or incorporated association incorporated or organized under the laws of this state or doing business in the state or for any servant, agent, employee, or officer of such an entity to give, donate, appropriate, or furnish directly or indirectly any money, security, funds, or property of the entity in excess of $1,000 for the purpose of aiding any political party, any candidate for any public office, or any candidate for any nomination for any public office of any political party or to any committee or person as a contribution to the expense of any political party or any candidate, representative, or committee of any political party, any candidate for nomination by any political party, or any committee or other person acting on behalf of the candidate in any one calendar year [12].

No common carrier, telegraph company, or telephone company is allowed to give to any candidate, any member of any political committee, or any person to be used to aid or promote the success or defeat of any candidate for election for any public office, free transportation, telegraph or telephone service, or any reduction that is not made to all other persons [13].

It is unlawful for any owner, agent, or representative in the business of contracting to build roads or in the manufacture, sale, distribution, or purchase of any kind of road building machinery, equipment, or road building material for the construction or maintenance of highways to directly or indirectly contribute or to promise any candidate for the office of highway commissioner any gift, contribution, or promise of any gift or contribution of monetary value whether for campaign expenses or otherwise [14].

E. Limitations on Government Employee Contributions. No member of the Mississippi highway patrol is permitted to contribute any money or other things of value, directly or indirectly, to any political campaign or to any candidate for public office, and it is unlawful for any person to solicit or attempt to solicit any money or thing of value from any employee of the patrol for political purposes [15].

No officer or employee of the state or county government, employee of the state correctional system, or any other person may solicit or accept any contribution of money or other property for political or election purposes from any employee of the state correctional system or from any offender within the system [16].

III. EXPENDITURE LIMITATIONS

Mississippi law does not define or regulate expenditures, except in conjunction with reporting requirements.

IV. REPORTING REQUIREMENTS

A. Candidate and Officer Affidavit. Every candidate entering the race for party nomination for county or county district office must file with the circuit clerk an affidavit made before a competent officer that the candidate has carefully read the Corrupt Practices Act and its amendments and that he will not violate any of the Act's obligations or prohibitions; every candidate for nomination at a primary for other offices must file a similar affidavit; and every campaign manager, assistant campaign manager, and every person authorized to receive contributions or make expenditures on behalf of any candidate is to file a like affidavit before performing any of the duties of his appointment [17].

B. Reporting of Contributions. Each candidate for statewide office, including those elected by supreme court districts, and every political committee supporting a candidate for statewide office must file with the secretary of state a list of the names of all persons who have made contributions that exceed $500 to their respective campaigns and the amount contributed by each, while candidates for all other offices and every political committee supporting a candidate for other offices must file in the office of the circuit clerk in the counties involved a list of the names and amount contributed by each of all persons who have made contributions that exceed $200 to their respective campaigns [18]. A political committee need report only those contributions made to the committee for expenditure specifically for the purpose of influencing the nomination or election of a specific candidate [19].

Reports are to be filed no later than the 5th day of each month during the period the person seeking nomination or election is a candidate [20]. In each election a report must be made and filed by all candidates on the Saturday preceding the day of the election, including all reportable contributions made since the date on which the person seeking nomination or election became a candidate that have not been included in any previous report [21]. No candidate is required to file a report more than four months prior to the date of the election [22]. Each candidate is to list in the first report all reportable contributions and expenditures received or made for the purpose of the campaign at any time prior to the date of the report, and must also list all personal property used by a candidate, including transportation vehicles and airplanes, after the date of the candidate's public announcement of candidacy or the date of qualification by the candidate, whichever is earlier, if the value of the use of the property equals or exceeds the amount required to be reported and is not owned by the candidate [23].

Within 60 days after the election is held at which the candidate is elected or eliminated from possibility of election to the office sought, the candidate must file with the appropriate officer a cumulative report of all reportable contributions made to the candidate or to any political committee supporting his candidacy from the day on which he became a candidate to the date of the report, including but not limited to all contributions previously reported by the candidate or political committees supporting his candidacy [24]. If any candidate or political committee receives, or receives notice of, a reportable contribution with respect to a past election after the cumulative report has been filed, an additional report must be filed with the appropriate officer within 30 calendar days after the late contribution is received [25].

Any candidate who has not received a reportable contribution is required to file with the appropriate reporting officials on the Saturday before the election and again no later than 60 days after the election is held at which the candidate is elected or is eliminated from the possibility of election to the office sought, a sworn affidavit stating that no contribution required to be reported has been received by the candidate [26].

C. Reporting of Expenditures. Within 60 days after the appropriate election, the candidate must file with the appropriate filing officer an itemized statement of each expenditure in excess of an aggregate of $250 to any one person, firm, or corporation made or contracted to be made by the candidate or by any person for and with the candidate's knowledge or consent in aid or support of the candidacy or for the purpose of influencing the result of the election, together with a statement of the purpose of each expenditure and the name of the persons to whom such expenditures were made; except that personal traveling expenses of the candidate and the expenses of subsistence during such travels are not to be included, and no expenditures made by the candidate to campaign workers for their salary are required to be reported [27].

Within 30 days after each election, each political committee, by its chairman or chief financial officer, must file with the appropriate filing officer an itemized statement of each expenditure in excess of an aggregate of $250 to any one person, firm, or corporation made or contracted to be made from funds belonging to the committee in support of or opposition to the candidacy of any one candidate in that election, together with a statement of the purpose of each expenditure and the name of the persons to whom such expenditures were made, but no expenditures made by the candidate to campaign workers for their salary is required to be reported [28].

Any candidate who has not made a reportable expenditure is to file a sworn affidavit stating that no reportable expenditure has been made with the appropriate filing officer no later than 60 days after the election in which the candidate is elected or eliminated [29].

All persons required to make and file statements must state under oath that they have not received or made use of, directly or indirectly, in connection with any candidacy to any public office, free transportation, telegraph, or telephone service [30].

All required reports are to be made under oath [31].

V. POST-ELECTION REQUIREMENTS

Mississippi has no provisions for post-election activities other than the required post-election report of contributions and report of expenditures.

VI. OFFENSES AND PENALTIES

Any candidate or any other person who willfully and deliberately violates the reporting provisions is guilty of a "corrupt practice in elections," which is a misdemeanor punishable by a fine of not more than $3,000 [32]. Any candidate or political committee that fails to timely file a required report may be compelled to file the report by an action in the nature of a mandamus, which must be brought by the attorney general in the case of statewide offices, including those elected by supreme court districts, or by the district attorney in the case of other offices [33]. No candidate may be certified as nominated for election or as elected to office unless and until all required reports due by the date of certification are filed [34], nor may any candidate elected to office receive any salary or other remuneration unless and until all required reports due by the date of certification are filed by the date the salary or remuneration is payable [35], unless the candidate subsequently files all of the required information by the date on which these sanctions would otherwise be applied [36].

Any person knowingly violating the provisions against educational, charitable, religious, or benevolent contributions by a candidate is guilty of a misdemeanor [37]. Any person knowingly violating the provisions against soliciting or profiting from a candidate is guilty of a misdemeanor and is not permitted to vote in that primary election [38]. If the person votes, the person is guilty of another, separate misdemeanor [39]. When any candidate is solicited to violate this provision, the candidate is to direct the solicitor's attention to it; failure to do so results in a separate misdemeanor [40].

Any corporation, incorporated company, incorporated association, or agent, officer, or employee violating the provisions limiting corporate contributions to a political party or candidate, upon conviction, must be fined not less than $1,000 nor more than $5,000 [41].

Any person violating the provisions against certain contributions by highway contractors is guilty of a felony and upon conviction must be punished by a fine of not less than $1,000, imprisonment in the state penitentiary for not more than three years, or both. Any contract or agreement that may have been entered into by the person with the state highway commission is null and void in all Mississippi courts, and the person must be held to have forfeited all rights, properties, and privileges arising in or under the contract [42].

Any member of the Mississippi highway patrol who contributes money or other things of value to a political campaign or candidate is guilty of a misdemeanor and must be punished as provided by law and dismissed from the patrol [43]. Any person attempting to solicit such a contribution is guilty of a misdemeanor [44].

A violation of the solicitation and contribution provisions applicable to employees of the state correctional system is a misdemeanor, resulting in a fine or conviction of not less than $100 nor more than $500, imprisonment in the county jail for 60 to 120 days, or both [45]. If the violator is an employee of the state correctional system, he must be removed from further employment with the state correctional system [46].

VII. REGULATORY AGENCIES

A. Secretary of State and County Circuit Clerk. The secretary of state serves as the filing officer for statewide office reports, including supreme court districts, while the appropriate clerk is the filing officer for all other reports [47]. The secretary of state is to prescribe the form for all reports [48].

REFERENCES

1. Mississippi Code Annotated (hereafter MCA) § 23-3-41(1)(c)
2. MCA § 23-3-41(1)(c)
3. MCA § 23-3-41(1)(c)
4. MCA § 23-3-41(1)(c)(i)
5. MCA § 23-3-41(1)(c)(ii)
6. MCA § 23-3-65
7. MCA § 23-1-55
8. MCA § 23-3-27
9. MCA § 23-3-27
10. MCA § 23-3-27
11. MCA § 23-3-27
12. MCA § 97-15-9
13. MCA § 23-1-53
14. MCA § 97-15-9
15. MCA § 45-3-11
16. MCA § 47-5-89. This section is repealed after July 1, 1986.
17. MCA § 23-3-3
18. MCA § 23-3-41(2)
19. MCA § 23-3-41(2)
20. MCA § 23-3-41(3)
21. MCA § 23-3-41(3)
22. MCA § 23-3-41(3)
23. MCA § 23-3-41(3)
24. MCA § 23-3-41(4)
25. MCA § 23-3-41(5)
26. MCA § 23-3-41(7)
27. MCA § 23-3-43(1)
28. MCA § 23-3-43(2)
29. MCA § 23-3-43(4)
30. MCA § 23-1-55
31. MCA §§ 23-3-41(6); 23-3-43
32. MCA § 23-3-67(1)
33. MCA § 23-3-67(2)
34. MCA § 23-3-67(3)
35. MCA § 23-3-67(4)
36. MCA § 23-3-67(5)
37. MCA § 23-1-55
38. MCA § 23-3-27
39. MCA § 23-3-27
40. MCA § 23-3-27
41. MCA § 97-13-17
42. MCA § 97-15-9
43. MCA § 45-3-11
44. MCA § 45-3-11
45. MCA § 47-5-89. This section is repealed after July 1, 1986.
46. MCA § 47-5-89. This section is repealed after July 1, 1986.
47. MCA § 23-3-41
48. MCA §§ 23-3-41(6), 23-3-43(3)

CAMPAIGN FINANCE LAW
IN MISSOURI

I. INTRODUCTION

Missouri requires candidates who spend or receive more than $1,000 or who receive a single contribution in excess of $250, and committees or persons making independent expenditures of $500 or more, to file information on all contributions and expenditures twice before and once after each election. Supplemental annual reports are required if contributions or expenditures exceed a specified threshold for that period, with quarterly reports required until a deficit is $5,000 or less. Contributions by all individuals and entities are not limited. Cash contributions must be $100 or less, and anonymous contributions must be $10 or less, with an aggregate limit on anonymous contributions. Missouri offers no tax incentives for public financing of election campaigns. The secretary of state and the campaign finance review board are responsible for overseeing the campaign finance provisions of the law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A contribution is a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office; the qualification, passage, or defeat of any ballot measure; or for the support of any committee supporting or opposing candidates or ballot measures [1]. A contribution includes, but is not limited to, a candidate's own money or property used in support of his candidacy, other than expenses for the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office [2]; payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee [3]; receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program, or pamphlet of a candidate or committee, and the sale of tickets or political merchandise [4]; receipts from fundraising events [5]; any loan, guarantee of a loan, cancellation, forgiveness of a loan, debt, or other obligation, or the payment of a loan, debt, or obligation by a third party, if the loan, debt, or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred or which was made or received by a committee [6]; funds received by a committee that are transferred to the committee from another committee or source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate, but the transfer must be included in the disclosure reports [7]; facilities, office space, or equipment supplied by any person to a candidate or committee without charge or at reduced rates, except gratuitous space for meeting purposes that is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions [8]; the direct or indirect payment, by any person other than a connected organization or its affiliated committee, for the costs of establishing, administering, or maintaining a committee, including legal, accounting, and computer services, fundraising, and solicitation of contributions for a committee [9].

A contribution does not include ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of, or in opposition to, a candidate, committee, or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given [10]; an offer or tender of a contribution that is expressly and unconditionally rejected and returned to the donor within five business days after receipt or transmitted to the state treasurer [11]; interest earned on deposit of committee funds [12]; or any costs incurred by a connected organization, which is any organization such as a corporation, labor organization, membership organization, cooperative, or trade or professional association that expends funds, provides services, or furnishes facilities to establish, administer, or maintain a committee to solicit contributions for the committee from its members, officers, directors, employees, or security holders [13], or for establishing, administering, or maintaining an affiliated committee for the solicitation of contributions from the members, officers, directors, or security holders of the connected organization [14].

B. Limitations on the Nature of Contributions. Contributions may not be accepted by a committee except through the committee treasurer, and must not be commingled with any funds of an agent of the committee, a candidate, or any other person, except that contributions from a candidate of his own funds to his candidate committee must be deposited to the depository account of the candidate committee [15]. No contribution may be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or expenditure [16]. Any person who receives contributions for a committee must disclose to that committee's treasurer his own name and address and the name and address of the actual source of each contribution he has received for that committee [17]. No anonymous contribution of more than $10 may be made by any person, and no anonymous contribution of more than $10 may be accepted by any candidate or committee [18]. If any anonymous contribution of more than $10 is received, it must be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate or committee treasurer must immediately transmit that portion of the contribution exceeding $10 to the state treasurer, and it then escheats to the state [19]. The maximum aggregate amount of anonymous contributions that may be accepted in any calendar year by any committee must be the greater of $500 or 1% of the aggregate amount of all contributions received by that committee in the same calendar year [20]. If any anonymous contribution is received that causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it must be returned immediately to the contributor, if his identity can be ascertained, and if the contributor's identity cannot be ascertained, the committee treasurer must immediately transmit the anonymous contribution to the state treasurer to escheat to the state [21].

Contributions from individuals whose names and addresses cannot be ascertained that are received from a fundraising activity or event are not anonymous contributions, if there are 25 or more contributing participants in the activity or event [22]; the candidate, committee treasurer, or the person responsible for conducting the activity or event announces that it is illegal for anyone to make or receive a contribution in excess of $10, unless the contribution is accompanied by the contributor's name and address [23]; the person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than $10, unless the name and address of the person making such payment is obtained and recorded [24]; and a statement describing the event is prepared by the candidate, by the treasurer of the committee for whom the funds were raised, or by the person responsible for conducting the activity or event, and attached to the required disclosure report, including the name and mailing address of the person or persons responsible for conducting the event or activity, the name and address of the candidate or committee for whom the funds were raised [25], the date of the event [26], the name and address of the location where the event occurred and the approximate number of participants [27], a brief description of the type of event and the fundraising methods used [28], the gross receipts from the event and a listing of the expenditures for the event [29], the total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions, and an explanation of why it was not possible to obtain the names and addresses of the participants [30], and the total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the required records [31].

No contribution of cash in an amount greater than $100 is permitted to be made by or accepted from any single contributor for any election [32]. An in-kind contribution is to be valued at the fair market value [33].

No candidate or committee may accept a contribution from any out-of-state committee, unless the out-of-state committee from whom the contributions are received has filed a statement of organization or other required reports with the secretary of state [34].

C. Limitations on Solicitations. It is illegal for any person, labor organization, or corporation to discriminate, or threaten to discriminate, against any member in the state with respect to his membership or discharge, or discriminate, or threaten to discriminate against any employee in the state with respect to his compensation, terms, conditions, or privileges of employment by reason of his political beliefs or opinions [35]; to make any member or employee contribute to any candidate, political committee, or separate political fund as a condition of membership or employment [36]; or to discriminate, or threaten to discriminate against any member or employee in the state for contributing, or refusing to contribute to any candidate, political committee, or separate political fund with respect to his privileges of membership, compensation, terms, or conditions of employment [37].

D. Contributions by Corporations, Labor Organizations, and Other Entities.- Any Corporation, labor organization, cooperative association, or mutual association may make contributions, if the board of directors of any corporation, by resolution, has authorized contributions or has authorized a designated officer to make the contributions [38], or the members of any labor organization, cooperative association, or mutual association have authorized contributions by a majority vote of the members present at a duly called meeting, or by such vote have authorized a designated officer to make such contributions [39]. Authority to make contributions must be adopted by general or specific resolution, stating the total amount of contributions authorized, the purposes of the contributions, and the time period within which such authority may exist [40]. The necessary approval does not have to come at a general membership meeting, if the organization in question is a labor organization organized on a geographic basis, except for a local labor union [41].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is a payment, conveyance, deposit, donation, or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office, the qualification or passage of any ballot measure, or the support of any committee that in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate, or the debts or obligations of a committee; and a payment, an agreement, or promise to pay money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities, or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office, the qualification or passage of any ballot measure, or the support of any committee that in turn supports or opposes any candidate or ballot measure, or for the purpose of paying a previously incurred campaign debt or obligation of a candidate, or the debts or obligations of a committee [42]. An expenditure includes the payment by anyone, other than a committee, for services of another person rendered to that committee [43]; the purchase of tickets, goods, services, or political merchandise in connection with any fundraising event of, or for candidates or committees, or the purchase of advertising in a brochure, booklet, program, or pamphlet of a candidate or committee [44]; the transfer of funds by one committee to another committee, except funds that are transferred by a candidate committee to another candidate committee controlled by the same candidate [45]; the direct or indirect payment by any person, other than a connected organization or its affiliated committee, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fundraising, and solicitation of contributions for a committee [46]; or the use of a candidate's own money for expenses related to his personal food, lodging, travel, and payment of any necessary filing fee, if the expense is not reimbursed to the candidate from any source [47].

An expenditure does not include any news story, commentary, or editorial that is broadcast or published by any broadcasting station, newspaper, magazine, or other periodical without charge to the candidate, or to any person supporting or opposing a candidate or ballot measure [48]; the internal dissemination by any membership organization, proprietorship, labor organization, corporation, association, or other entity of information advocating the election or defeat of a candidate or candidates, or the passage or defeat of a ballot measure or measures, to its directors, officers, members, employees, or security holders [49]; repayment of a loan [50]; the rendering of voluntary personal services, by an individual, of the sort commonly performed by volunteer campaign workers and the payment, by such individual, of necessary and ordinary personal expenses incidental to such volunteer activity, providing no compensation, directly or indirectly, is asked or given [51]; or the costs incurred by any connected organization for establishing, administering, or maintaining an affiliated committee, or for the solicitation of contributions to an affiliated committee solely directed or related to the members, officers, directors, employees, or security holders of the connected organization [52].

B. Limitations on Nature of Expenditures. Except for expenditures from a petty cash fund established and maintained by withdrawals of funds from the committee's depository account, each expenditure of more than $50, other than an in-kind expenditure, must be on a check drawn on the committee's depository and signed by the committee's treasurer [53]. A single expenditure from a petty cash fund must not exceed $50, and the aggregate of all calendar year expenditures from a petty cash fund must not exceed the lesser of $5,000 or 10% of all expenditures made by the committee during that calendar year [54]. A check made payable to "cash" may only be used to replenish a petty cash fund [55].

No expenditure is to be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through a person in such a manner as to conceal the identity of the actual recipient and purpose of the expenditure [56]. Any person who makes expenditures for a committee must disclose his name and address to that committee's treasurer, the name and address of each person to whom an expenditure has been made, and the amount and purpose of the expenditures [57]. All expenditures must be made by or through the committee treasurer [58], and no expenditure may be made by a committee when the treasurer's office is vacant; but when the office of a candidate committee treasurer is vacant, the candidate must be the treasurer until he appoints a new treasurer [59].

C. Expenditures by Corporations, Labor Organizations, and Other Entities. Any corporation, labor organization, cooperative association, or mutual association may make expenditures, if the board of directors of any corporation, by resolution, has authorized contributions or authorized a designated officer to make the expenditures [60], or the members of any labor organization, cooperative association, or mutual association have authorized expenditures by a majority vote of members present at a duly called meeting, or by such vote have authorized a designated officer to make the expenditures [61]. The authority to make authorized expenditures must be adopted by general or specific resolution stating the total amount of expenditures authorized, the purposes of the expenditures, and the time period within which the authority exists [62].

IV. REPORTING REQUIREMENTS

A. Registration. Every person, organization, or group of persons who accepts contributions or makes expenditures for the primary or incidental purpose of influencing, or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, or for the purpose of paying a previously incurred campaign debt or obligation of a candidate, or the debts or obligations of a committee or for the purpose of contributing funds to another committee, is a committee and must file a statement of organization and required reports, except, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds $1,000 for any committee, and if no single contributor has contributed more than $250 of such aggregate contributions; an individual, other than a candidate, who accepts no contributions and who deals only with his own funds or property is not deemed to be a committee [63].

A corporation, labor union or other organization that only makes campaign contributions or expenditures not in excess of $500 from its own funds or property is not a committee for the purposes of the campaign financing act and is not required to comply with the organizational and reporting requirements for committees [64]. A board of education that expends district funds to publicize and support the passage of bond issues and tax increases also does not come within the reporting requirements of committees [65].

Every committee must file a statement of organization with the appropriate filing officer within 20 days after the person or organization becomes a committee, but not later than the date for filing the first required pre-election report [66]. The statement of organization must contain the committee's name, mailing address, and telephone number, if any, and the name of any connected organization, or a legally registered fictitious name that reasonably identifies the connected organization must appear in the committee's name if the committee is so affiliated [67]. If the committee is a candidate committee, the candidate's name is to be a part of the committee's name [68]. The statement of organization also must include the name, mailing address, and telephone number of the committee treasurer and the name, mailing address, and telephone number of its deputy treasurer if appointed [69]; the names, mailing addresses, and titles of its officers, if any [70]; the names and mailing addresses of any connected organizations with which the committee is affiliated [71]; the name and mailing address of its depository and the name and account number of each account the committee has in the depository [72]; identification of the major nature of the committee, such as a candidate committee, campaign committee, continuing committee, political party committee, incumbent committee, or other committee [73]; in the case of more than one authorized candidate committee, the full name and address of each other candidate committee that is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each other committee [74]; the name and office sought by each candidate supported or opposed by the committee [75]; and the ballot measure concerned, if any, and whether the committee is in favor of, or opposed to, such measure [76]. Any investment held at the time of filing the statement of organization must be disclosed by name and denomination [77]. If on the date it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose, the information may be omitted [78]. The statement must be signed and sworn to by the committee treasurer [79].

An out-of-state committee must not be required to file a statement of organization, appoint a treasurer residing in Missouri, or open an account in a depository within the state, if either the aggregate of all contributions received from Missouri residents does not exceed 20% in total dollar amount of all funds received by the committee in the preceding 12 months [80] or the aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in Missouri does not exceed $5,000 in the current calendar year [81].

C. Reporting by Candidate Committees. Every committee that is required to file a statement of organization, including a candidate who has elected to serve as his own candidate committee, must file a legibly printed or typed disclosure report of receipts and expenditures for any election for which the committee makes expenditures or contributions, or for which the committee receives contributions with the intent to make expenditures or contributions [82].

Each report must set forth the committee's full name and mailing address, and the full names, mailing addresses, and telephone numbers of the committee's treasurer and deputy treasurer, if the committee has named a deputy treasurer [83]; the amount of money, including cash on hand, at the beginning of the reporting period [84]; receipts for the period, including the total amount of monetary contributions received that can be identified in the committee's records by name and address of each contributor [85]; the total amount of all anonymous contributions accepted [86]; the total amount of all monetary contributions received through fundraising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement, or copy of the statement, describing each fundraising event [87]; the total dollar value of all in-kind contributions received [88]; a separate listing by name and address of each person from whom the committee received one or more contributions, in money or any other thing of value, aggregating more than $100, together with the date and amount of each such contribution [89]; and a listing of each loan received, by name and address of the lender and date and amount of the loan, with a separate statement attached for each loan of $100 or more, setting forth the name and address of the lender and each person liable directly, indirectly, or contingently, and the date, amount and terms of the loan [90].

Expenditures for the period are also to be listed, including the total dollar amount of expenditures made by check drawn on the committee's depository [91]; the total dollar amount of expenditures made in cash [92]; the total dollar value of all in-kind expenditures made [93]; the full name and mailing address of each person to whom an expenditure of money, or any other thing of value, in the amount of more than $100 has been made or contracted for, together with the date, amount, and purpose of each expenditure, with expenditures of $100 or less allowed to be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report must contain an itemized listing of each payment made to campaign workers by name, address, date, amount, purpose of each payment, and the aggregate amount paid to each such worker [94]; and a list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms, and date [95].

The total amount of cash on hand must be reported as of the closing date of the reporting period covered, including amounts in depository accounts and in the petty cash fund, as is the total amount of outstanding indebtedness as of the closing date of the reporting period covered [96]; the amount of expenditures for or against a candidate or ballot measure during the period covered, and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought, and expenditures made in support of more than one candidate, ballot measure, or both apportioned reasonably [97]; a separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate, for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution [98]; and a separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution, in any amount, has been received during the reporting period, together with the date and amount of each such transfer or contribution [99]. Each committee that receives a contribution that is restricted or designated, in whole or in part, by the contributor for transfer to a particular candidate, committee, or other person, must include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of the contribution, the name of the particular candidate, committee, or other person to whom the contribution was designated or restricted, and the date and amount of the contribution [100].

D. Filing Deadlines for Candidate Committees. Disclosure reports are to be signed and sworn to by the committee treasurer [101], and filed not later than the 40th day before an election for the period closing the 45th day before the election [102]; not later than the 7th day before an election for the period closing on the 12th day before the election [103]; and not later than the 30th day after an election for a period closing on the 25th day after the election, except that a successful candidate who takes office prior to the 25th day after the election is permitted to file a report before taking office for the period closing on the day before taking office [104]. The reports required to be filed not later than the 7th day before an election and not later than the 30th day after an election, and any subsequent required reports, must be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question, with the period covered by each disclosure report to begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered; however, if the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed, or in the case of a candidate committee, on the date the candidate became a candidate [105].

Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and seeks election in the immediately succeeding general election may not be required, if there are less than 50 days between a primary election and the immediately succeeding general election. The disclosure report required to be filed not later than the 40th day before the general election need not be filed, provided that any other report required to be filed prior to the primary election, and all other reports required to be filed not later than the 7th day before the general election, are filed not later than the final dates for filing the reports [106]. If there are less than 85 days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the 30th day after the primary election need not be filed, provided that any report required to be filed prior to the primary election, and any other report required to be filed prior to the general election, are filed no later than the final dates for filing such reports [107].

E. **Reporting by Persons Other Than Candidate Committees.** Any person who is not a defined committee and who makes expenditures aggregating $500 or more in support of, or opposition to one or more candidates or in support of, or in opposition to the qualification or passage of one or more ballot measures, other than a contribution made directly to a candidate or committee, must file a report signed by the person making the expenditure or that person's authorized agent, disclosing the name and address of the person making the expenditure, the date and amount of the expenditures, the name and address of the payee, and a description of the nature and purpose of each expenditure, with the appropriate officer within 14 days after the date of making an expenditure that, by itself or when added to all other such expenditures during the same campaign, equals $500 or more [108]. If, after filing the report, additional expenditures are made, a further report must be filed on the required date for any reporting period in which the additional expenditures are made; however, if any such expenditure amounting to $500 or more is made within 14 days prior to an election, the report must be filed within 48 hours after the date of such expenditure [109]. These provisions do not apply to a person that uses only his funds or resources to make expenditures in support of, or in coordination or consultation with a candidate or committee, provided that any such expenditure is recorded as a contribution to that candidate or committee and so reported by the candidate or committee being supported by the expenditure or expenditures [110].

The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association, or other entity, except a political committee, of information advocating the election or defeat of a candidate or the passage or defeat of a ballot measure to its members, employees, or shareholders, the cost of which is more than $2,000 in support of, or in opposition to one or more candidates, or in support of, or in opposition to the qualification or passage of one or more ballot measures in a calendar year, other than a contribution made directly to a candidate or committee, must be reported in a report signed by the person responsible for making the expenditure or that person's authorized agent. The report is to disclose the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of the dissemination of information, and filed with the appropriate officer within 14 days after making an expenditure [111]. If after filing the report additional expenditures are made, a further report must be filed at the required date for any reporting period in which the additional expenditures are made; however, if any such expenditure amounting to $500 or more is made within 14 days prior to an election, the report must be filed within 48 hours after the date of the expenditure [112].

F. **Reporting by Incumbent Committees.** Each incumbent committee, in addition to other required reports and statements, must file an annual disclosure report not later than the 31st day of each January, for the period closing on the preceding 31st of December, that contains a listing of all receipts, and disbursements during the period, except that expenditures by the office holder of his own funds for his food, lodging, and operation of his personal automobile need not be reported [113]. Each incumbent committee annual report must include the same information as required in the disclosure report, except that the aggregation of contributions from individual contributors is required to be on a calendar year basis [114]. If the incumbent committee collects receipts or makes disbursements to defray expenses incidental to that individual's seeking any office or position arising out of or in conjunction with the holding of the public office, including a post selected by the members of a legislative body, the committee must also file a disclosure report by the seventh day prior to the caucus or meeting at which the office or position is filled, complete to the twelfth day prior to the meeting [115]. If an incumbent committee is required to file a disclosure report, a supplemental disclosure report, or a report required to be filed by the seventh day prior to a caucus or meeting during a calendar year, the annual incumbent committee report for that year need only cover the period from the date of the committee's last previous disclosure report [116]. The disclosure report must be signed by the committee treasurer and the incumbent, notarized, and submitted with a verification statement attesting that, to the knowledge of the treasurer and the incumbent, the report is true and complete [117].

G. **Reporting by Out-of-State Committees.** An out-of-state committee that is not required to file a statement of organization or full disclosure reports must file reports with the secretary of state, if the committee makes contributions or expenditures in support of, or in opposition to candidates or ballot measures in the state in any election, or makes contributions to any committee domiciled in the state [118]. An initial report must be filed within 14 days prior to the date the out-of-state committee first makes a contribution or expenditure in this state, and subsequent reports must be filed as required for a candidate committee [119]. Each report must contain the full name and address of the committee making the report and the name, residential and business addresses, and telephone numbers of the committee's treasurer [120]; the name and address of any entity, such as a labor union, trade or business or professional association, club, or other organization or any business entity, with which the committee is affiliated [121]; a list by name, address, and amount contributed by each Missouri resident who contributed an aggregate amount of $100 or more to the reporting committee during the preceding 12 months [122]; a list by name, address, date, and amount regarding any contribution that was restricted or designated for use in the state [123]; and a statement as to whether the committee is required to report to the Federal Election Commission, and a listing of agencies in other states with whom the committee files reports, if any [124].

H. **Reporting by Ballot Measure Committees.** A ballot measure committee must comply with the requirements for filing the disclosure reports required of all committees [125]. In addition to these reports, the treasurer of a committee supporting or opposing a petition effort to qualify a measure on the ballot must file a disclosure report not later than the fifteenth day after the deadline date for submitting the petitions, for a period covering the day the committee first accepted contributions or made expenditures to support or oppose the petition effort, to the tenth day after the deadline date for submitting the petitions [126]. If the measure has qualified to be on the ballot in an election, and if a ballot measure committee is also required to file a preelection disclosure report for that election any time within thirty days after the date on which disclosure reports are required to be filed, the treasurer is not required to file the fifteen day post-petition submission report, but must include in the ballot measure committee's preelection report all information that would otherwise have been required to be included in the post-petition submission report [127].

I. Aggregation Requirements. The aggregate amount of contributions received from any one person must be computed by adding all such contributions from that person between the date a candidate became a candidate and the closing date of the reporting period for a candidate committee [128]. The date the committee received its first contribution is the beginning of the reporting period of a campaign committee, with the end on the closing date for the period the report is required [129]; for a political party committee, a continuing committee, or an incumbent committee the period must begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; however, if the report or statement is required to be filed prior to the first day of July in any given year, the period must begin on the first day of July of the preceding year [130]. If a candidate has more than one candidate committee, the committee responsible for aggregating the contributions must include in its report a listing by name and address of each person contributing an aggregate of more than $100 to all of the candidate committees under the candidate's direction and control [131].

J. Reporting of Late Contributions. The receipt of any contribution or loan after the closing date of the last disclosure report required to be filed before an election, but before the date of the election, must be reported to the appropriate filing officer within 48 hours after receipt, if it exceeds $1,000 for a candidate committee supporting a statewide office candidate or $500 for any other committee [132]. The report may be made by any written means of communication, setting forth the contributor or lender's name, his address, and the amount of the contribution or loan [133]. Signatures and certification ordinarily required for a full disclosure report are not necessary, but the late contribution or loan is to be included in subsequent disclosure reports [134].

K. Exemptions From Reporting. A disclosure report need not be filed by the treasurer of any committee if, by the closing date for the report, the committee has neither received contributions nor made expenditures, in the aggregate, in excess of $100 since the closing date of the previously filed disclosure report and has not received contributions aggregating more than $250 from any single contributor, and if the treasurer files, under oath, a notarized statement with the appropriate officer stating that neither the aggregate amount of contributions received nor the aggregate amount of expenditures made by the committee during the reporting period exceeded $1,000 [135]. Any contributions received or expenditures made that are not reported because this statement is filed in lieu of a disclosure report must be included in the next disclosure report filed by the committee [136]. This statement may not be filed in lieu of two or more consecutive reports if either the contributions received or expenditures made in the aggregate during those reporting periods exceed $100, and may not be filed in lieu of the report required to be filed not later than the 30th day after an election if that report would show a deficit in excess of $1,000 [137].

No candidate for statewide elective office, general assembly, judicial office other municipal judge, county office, or municipal office in a city of 10,000 or greater population is required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate contributions received nor the aggregate expenditures made on behalf of the candidate exceed $1,000, and no single contributor, other than the candidate, has contributed more than $250 of the aggregate contributions received, if the candidate files a sworn exemption statement with the appropriate officer that he does not intend to either receive contributions or make expenditures in the aggregate of more than $1,000 or receive contributions from any single contributor, other than himself, that aggregate more than $250, and that the total of all contributions received or expenditures made by him, and all committees or any other person with his knowledge and consent in support of his candidacy, will not exceed $1,000 and that the aggregate of contributions received from any one contributor will not exceed $250 [138]. The exemption statement must be filed no later than the date on which a disclosure report would otherwise be required if the candidate did not file the exemption statement [139]. The sworn exemption statement must include a statement that the candidate understands that records of contributions and expenditures must be maintained and that an exemption from filing a statement of organization or disclosure reports does not exempt the candidate from other provisions of the law [140].

Any candidate who has filed an exemption statement may not accept any contribution or make any expenditure in support of his candidacy, either directly or indirectly or by or through any committee or any other person acting with the candidate's knowledge and consent, that would cause such contributions or expenditures to exceed the specified limits, unless he later rejects the exemption [141]. Any contribution received in excess of such limits must be returned to the donor or transmitted to the state treasurer to escheat to the state [142].

If, after filing the exemption statement, the candidate subsequently wishes to exceed any of the limits, he must file a notice of rejection of the exemption with the appropriate officer; however, the rejection must not be filed later than the twelfth day before the election [143]. A notice of rejection of exemption must be accompanied by a statement of organization and any other statements and reports that would have been required if the candidate had not filed an exemption statement [144]. If a successful primary candidate has correctly filed an exemption statement prior to the primary election and has not filed a notice of rejection prior to the date on which the first disclosure report applicable to the succeeding general election is required to be filed, he may not be required to file an exemption statement for that general election if the limitations of $1,000 in aggregate contributions and expenditures and $250 in aggregate contributions apply to the succeeding general election [145].

A candidate committee formed for a prior election and still in existence is required to make a disclosure report of expenditures and contributions if it has made any expenditures or received any contributions since its last required disclosure report, unless the treasurer properly files a notarized, sworn statement with the appropriate filing officer, stating that neither the aggregate amount of contributions received nor the aggregate amount of expenditures made by the committee during the reporting period exceeded $1,000 [146]. A candidate who has an existing candidate committee formed for a prior election for which all statements and reports have been properly filed is eligible to file the exemption statement, and is not required to file the disclosure reports pertaining to the election for which he is eligible to file the exemption statement if the candidate and the treasurer of the existing candidate committee continue to comply with exemption requirements, limitations, and restrictions [147]. This exemption does not exempt a candidate or the treasurer of his existing candidate committee from complying with the requirements for filing supplemental disclosure reports applicable to a prior election [148].

L. Supplemental Reports. If the post-election disclosure report filed by a committee shows outstanding debts of more than $5,000, quarterly supplemental disclosure reports are to be filed each calendar quarter until the deficit is reduced $5,000 or less not later than the 15th day of January, April, July, and October for the periods closing December 31st, March 31st, June 30th, and September 30th, respectively [149]. No supplemental report need be filed for any calendar quarter that includes the closing date for the reporting period covered in any regular disclosure report the committee is required to file in connection with an election [150].

If, after filing the required post-election report, a committee, during a calendar year receives additional contributions or makes additional expenditures aggregating more than $1,000 or receives an aggregate of more than $250 from any one person, a supplemental disclosure report must be filed not later than January 15th for the period closing on the preceding 31st day of December, except that the report is not required if the committee is required to file any other disclosure report within 60 days before or after December 31st [151]. A national party committee, candidate for elective federal office, and any committee formed solely to support a candidate or candidates for federal office are in full compliance with all Missouri reporting provisions if they have complied with all applicable federal reporting requirements, and copies of the federally-mandated reports are filed with the secretary of state at the same time they are filed with federal authorities [152].

A committee that disbands and is required to file a termination statement must file the statement not later than the tenth day after dissolution, and the committee treasurer must attach to the termination statement a complete disclosure report for the period closing on the date of dissolution [153].

M. Place of Filing. All disclosure reports must be filed with the appropriate filing officer not later than 5:00 p.m., prevailing local time, of the day designated for the filing of the report, and a report postmarked not later than midnight of the day previous to the day designated for filing the report is deemed to have been filed in a timely manner [154].

The appropriate filing officer for a candidate for governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, judges of the supreme court, and judges of the appellate court is the secretary of state [155]; for candidates for state senator, state representative, county clerk, circuit court judge and associate circuit court judges, the filing officer is the secretary of state and the county clerk of the candidate's county of residence, except that in a city or county with a board of election commissioners, the board is the election filing officer [156]; for candidates seeking elective municipal offices in cities of more than 100,000 population, or county government offices in counties of more than 100,000 population, the reports are to be filed with the secretary of state and the election authority of the county or municipality in which the office is sought [157]; and for all other elective offices, filing is with the election authority for the district or political subdivision in which the office is sought and in whose jurisdiction the candidate resides [158]. The appropriate filing officer for a statewide ballot measure is the secretary of state [159]; for any other ballot measure, the filing officer is the local election authority for the political subdivision or district [160].

The appropriate filing officer or officers for candidate committees and campaign committees are the same as those for the candidates or ballot measures supported or opposed by the committee [161]. The appropriate officer for an incumbent committee is the same as for a candidate for the office held by the officeholder for whom the incumbent committee was organized [162]. In the case of state party committees, the appropriate officer is the secretary of state [163], and in the case of any district, county, or city political party committee, the appropriate officers are the secretary of state and the election authority for that district, county, or city [164]. The appropriate officers for a continuing committee, and for any other committee not named, are the secretary of state and the election authority for the county in which the committee is domiciled [165], and if the committee makes, or anticipates making contributions or expenditures aggregating $500 or more to support or oppose any one candidate or any one ballot measure for which the appropriate officer is an election authority other than the one for the county in which the committee is domiciled, the appropriate officers for that committee include such other election authority or authorities [166].

V. POST-ELECTION REQUIREMENTS

A. Supplemental Reports. If the disclosure report required to be filed by a committee not later than the 30th day after an election shows outstanding obligations of more than $5,000, quarterly supplemental disclosure reports must be filed with the appropriate officer for each succeeding calendar quarter until the deficit is reduced to $5,000 or less, except that a supplemental quarterly report must not be required for any calendar quarter that includes the closing date for the reporting period covered in any regular disclosure report that the committee is required to file in connection with an election [167]. The reporting dates and periods covered for quarterly supplemental reports are not later than the 15th day of January, April, July, and October for periods closing on the 31st days of December and March and the 30th days of June and September [168].

If, after filing the disclosure report required to be filed not later than the 30th day after election, a committee, during a calendar year receives additional contributions or makes additional expenditures aggregating $1,000 or more, or receives an aggregate of more than $250 from any one person, a supplemental disclosure report must be filed not later than January 15th for the period closing on the preceding December 31st, except that the additional disclosure report is not required, if within 60 days prior to or following the 31st day of December, the committee is required to file any other disclosure report [169].

In the case of a committee that disbands and is required to file a termination statement with the appropriate officer not later than the tenth day after the committee was dissolved, the committee treasurer must attach to the termination statement a complete disclosure report for the period closing on the date of dissolution [170]. A termination statement must include the distribution made of any remaining surplus funds, the disposition of any deficits, and the name, mailing address, and the telephone number of the individual responsible for preserving the committee's records and accounts [171].

B. Recordkeeping. All records and accounts of receipts and expenditures of a committee must be preserved for at least three years after the date of the election to which the accounts refer, and such records must be available for inspection by the campaign finance review board and its duly authorized representatives [172].

VI. OFFENSES AND PENALTIES

A person aggrieved by any violation of the prohibitions against discrimination or intimidation of members of groups or employees relating to elections is, in addition to any other remedy provided by law, entitled to maintain within one year from the date of the prohibited violation, a civil suit, and if successful, to be awarded civil damages of not less than $100 nor more than $1,000, plus costs, including reasonable attorneys fees [173]. Each violation constitutes a separate violation [174]. A violation resulting in conviction is a Class D felony, and upon conviction a person must be punished by a fine of not more than $5,000 and confinement for not more than six months [175].

Any person who knowingly accepts or makes a contribution or makes an expenditure in violation of any provision of the campaign finance disclosure law, or who knowingly conceals a contribution or expenditure by filing a false or incomplete report, or by not filing a required report, in addition to or in the alternative to any other penalty that may be imposed by law, may be held liable to the state for civil penalties in twice the amount of any such contribution or expenditure, not to exceed a total amount of $5,000 [176].

For any other violation of the campaign disclosure law, any person who purposefully violates any provision is guilty of a Class A misdemeanor, and upon conviction may be punished by a fine of not more than $5,000, confinement in the county jail for not more than one year, or both [177]. A person who fails to file a report or statement in a timely manner is guilty of an infraction [178]. Any campaign disclosure law violation may be prosecuted, if the indictment is made or prosecution instituted within three years after the commission of the alleged offense [179].

If a successful candidate, or the treasurer of his candidate committee, fails to file the required disclosure reports, the candidate may not take office until the reports have been filed [180]. If a candidate fails to file disclosure reports as required for a primary election, he is not prohibited from appearing on the general election ballot [181].

VII. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is charged with the administration of the campaign disclosure law, and is required to disseminate information concerning the law among the general public, inform candidates of exemption eligibility, and to develop and publish forms and printed instructional material and furnish them to persons required to file reports and statements, together with a summary of the provisions that apply to candidates and committees [182]; develop a filing, coding, and cross-indexing system for reports and statements required to be filed, and preserve reports and statements for not less than five years from date of receipt [183]; make the reports and statements filed with that office available for public inspection and copying [184]; examine each report and statement filed with that office to determine if the statements are properly completed and filed within the time required [185]; immediately notify a person required to file a report or statement with the secretary of state if it appears that the person has failed to file a report or statement as required by law, and to immediately report the name of that person to the campaign finance review board [186]; prepare and publish an annual report, including compilations of amounts contributed and expended for the influence of nominations and elections [187]; prepare and publish such other reports as he may deem appropriate [188]; and disseminate statistics, summaries, and other reports [189].

B. Local Election Authority. Each appropriate officer, other than the secretary of state, must assist the secretary of state in furnishing forms and printed instructional material to persons required to file reports and statements [190]; and shall accept reports and statements required to be filed with his office [191]; develop a filing, coding, and cross-indexing system consonant with the purposes of the law [192]; make the filed reports and statements available for public inspection and copying [193]; preserve reports and statements for not less than five years from the date of receipt [194]; examine each report and statement to determine if they appear to be complete and filed within the required time [195]; immediately notify a person required to file a report or statement if it appears that the person has failed to file a report or statement as required by law [196]; and notify the campaign finance review board if he has reasonable cause to believe that a violation of the law has occurred [197].

C. Campaign Finance Review Board. A six-member campaign finance review board is appointed by the governor [198]. The board is assigned to the office of the secretary of state [199]. The board is to appoint an administrator [200]; and review reports and statements filed with the appropriate officers and upon review, if there are reasonable grounds to believe that a violation has occurred, conduct an audit of the reports and statements [201]. Any audit or investigation of a candidate's or his committee's reports and statements must include an audit of the reports and statements of the candidate's opponents as well [202]. Revealing any investigation information prior to such an election may be a violation of the law and may be cause for removal or dismissal of a board member or board employee [203]. Details of all investigations are confidential, with the exception of notification of the complainant or the person under investigation [204].

Upon the sworn, written complaint of any citizen, or upon findings reported to the board by the secretary of state or other appropriate officers, the board may audit and report apparent violations of the campaign disclosure law to the appropriate prosecuting attorney [205]. Within 60 days after receipt of a sworn, written complaint alleging any violation, the board must notify the complainant, in writing, of the action, if any, the board has taken or plans to take on the complaint [206]. If an investigation conducted pursuant to a sworn, written complaint fails to establish probable cause for belief that a violation has occurred, the board must terminate the investigation and so notify the complainant and the person who had been under investigation, and must state the reasons for the disposition of the complaint [207].

D. **Prosecuting Attorney.** Upon completion of an audit or investigation in which the campaign finance review board determines that there is probable cause for belief that a violation of the campaign finance disclosure law has occurred, the board must provide a detailed report of the violation within 15 days to the appropriate prosecuting attorney together with a copy of the board's audit and the details of the board's investigation [208]. The prosecutor must institute prosecution within 60 days after receipt if he determines that the evidence supports the allegation [209]. If the prosecuting attorney determines that insufficient evidence exists for prosecution, he must inform the board within 60 days [210]. If after receiving notice from the prosecuting attorney that insufficient evidence exists to support a prosecution, the board may, within 30 days, furnish the prosecuting attorney with additional evidence [211].

REFERENCES

1. Missouri Revised Statutes (hereafter MRS) § 130.011(8)
2. MRS § 130.011(8)(a)
3. MRS § 130.011(8)(b)
4. MRS § 130.011(8)(c)
5. MRS § 130.011(8)(d)
6. MRS § 130.011(8)(e)
7. MRS § 130.011(8)(f)
8. MRS § 130.011(8)(g)
9. MRS § 130.011(8)(h)
10. MRS § 130.011(8)(i)(a)
11. MRS § 130.011(8)(i)(b)
12. MRS § 130.011(8)(i)(c)
13. MRS § 130.011(7)
14. MRS § 130.011(8)(i)(d)
15. MRS § 130.021(4); *see* § 130.021(2)
16. MRS § 130.031(3)
17. MRS § 130.031(3)
18. MRS § 130.031(4)
19. MRS § 130.031(4)
20. MRS § 130.031(5)
21. MRS § 130.031(5)
22. MRS § 130.031(6)(1)
23. MRS § 130.031(6)(2)
24. MRS § 130.031(6)(3)
25. MRS § 130.031(6)(4)(a)
26. MRS § 130.031(6)(4)(b)
27. MRS § 130.031(6)(4)(c)
28. MRS § 130.031(6)(4)(d)
29. MRS § 130.031(6)(4)(e)
30. MRS § 130.031(6)(4)(f)
31. MRS § 130.031(6)(4)(g)
32. MRS § 130.031(1)
33. MRS § 130.031(6)(q)
34. MRS § 130.031(7)
35. MRS § 130.028(1)
36. MRS § 130.028(4)
37. MRS § 130.028(5)
38. MRS § 130.029(1)
39. MRS § 130.029(2)
40. MRS § 130.029(3)
41. MRS § 130.011
42. MRS § 130.011(12)
43. MRS § 130.011(12)(a)
44. MRS § 130.011(12)(b)
45. MRS § 130.011(12)(c)
46. MRS § 130.011(12)(d)
47. MRS § 130.011(12)(e)(f)
48. MRS § 130.011(12)(e)(a)
49. MRS § 130.011(12)(e)(b)
50. MRS § 130.011(12)(e)(c)
51. MRS § 130.011(12)(e)(d)
52. MRS § 130.011(12)(e)(e)
53. MRS § 130.031(2)
54. MRS § 130.031(2)
55. MRS § 130.031(2)
56. MRS § 130.031(3)
57. MRS § 130.031(3)
58. MRS §§ 130.031(2), (4)
59. MRS § 130.031(4)
60. MRS § 130.029(1)(1)
61. MRS § 130.029(1)(2)
62. MRS § 130.029(3)
63. MRS §§ 130.011(6); 130.021(5)
64. Opinions of the Missouri Attorney General (hereafter Op. Att'y Gen.) No. 179, October 3, 1978
65. Op. Att'y Gen. No. 193, December 28, 1979; *see* Op. Att'y Gen. No. 123, May 27, 1980 (Department of Mental Health using federal disabilities funds to promote public education related to approval of a tax levy not required to register and report as a continuing committee)
66. MRS § 130.021(5)
67. MRS § 130.021(5)(1)
68. MRS § 130.021(5)(1)
69. MRS § 130.021(5)(2)
70. MRS § 130.021(5)(3)
71. MRS § 130.021(5)(4)
72. MRS § 130.021(5)(5)
73. MRS § 130.021(5)(6)
74. MRS § 130.021(5)(7)
75. MRS § 130.021(5)(8)
76. MRS § 130.021(5)(9)
77. MRS § 130.021(4)(2)
78. MRS § 130.021(6)(6)
79. MRS § 130.021(9)
80. MRS § 130.021(10)(1)
81. MRS § 130.021(10)(2)
82. MRS § 130.041(1)
83. MRS § 130.041(1)(1)
84. MRS § 130.041(1)(2)
85. MRS § 130.041(1)(3)(a)
86. MRS § 130.041(1)(3)(b)
87. MRS § 130.041(1)(3)(c)
88. MRS § 130.041(1)(3)(d)
89. MRS § 130.041(1)(3)(e)
90. MRS § 130.041(1)(3)(f)
91. MRS § 130.041(1)(4)(a)
92. MRS § 130.041(1)(4)(b)
93. MRS § 130.041(1)(4)(c)
94. MRS § 130.041(1)(4)(d)
95. MRS § 130.041(1)(4)(e)
96. MRS § 130.041(1)(6)
97. MRS § 130.041(1)(7)
98. MRS § 130.041(1)(8)
99. MRS § 130.041(1)(9)
100. MRS § 130.041(1)(10)
101. MRS § 130.041(4)
102. MRS § 130.046(1)(1)
103. MRS § 130.046(1)(2)
104. MRS § 130.046(1)(3)
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141. MRS § 130.016(2)
142. MRS § 130.016(2)
143. MRS § 130.016(3)
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145. MRS § 130.016(4)
146. Op. Att'y Gen. No. 156, July 18, 1980; MRS §§ 130.041; 130.046
147. MRS § 130.016(5)

148. MRS § 130.016(5)
149. MRS § 130.046(6)(1)
150. MRS § 130.046(6)(1)
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176. MRS § 130.072
177. MRS § 130.081(1)
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179. MRS § 130.081(3)
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181. J.C. Kirkpatrick, Summary of the Missouri Campaign Finance Disclosure Law of 1978 at 58 (1980)
182. MRS § 130.056(1)(3)
183. MRS § 130.056(1)(4)
184. MRS § 130.056(1)(5)
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CAMPAIGN FINANCE LAW
IN MONTANA

I. INTRODUCTION

Montana has set maximum amounts that individuals and political committees may contribute to candidates and political committees in a campaign. A corporation may not make contributions or expenditures relating to a candidate, but may establish a separate segregated fund. Candidates and political committees are required to file pre- and post- election reports of contributions and expenditures. Public financing for general election candidates for governor-lieutenant governor and supreme court justice is provided. A taxpayer donation of $1 on an income tax return ($2 for a joint return) is permitted to provide funds for the public financing. The commissioner of political practices is responsible for administering the control of campaign practices law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is (1) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election; (2) a transfer of funds between political committees; or (3) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee. The term "contribution" does not mean (1) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee; (2) meals and lodging provided by individuals in their private residence for a candidate or other individual; (3) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; (4) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so long as the organization is not a primary political committee; or (5) filing fees paid by the candidate [1].

A "person," as the term is used in the election code, is an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate [2].

B. Maximum Contribution Amounts. Aggregate contributions for all elections in a campaign by an individual, other than the candidate, to a candidate and political committees organized on behalf of a candidate are limited as follows: (1) for candidates filed jointly for the office of governor and lieutenant governor--not to exceed $1,500; (2) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor--not to exceed $750; (3) for a candidate for public service commissioner, district court judge, or state senator--not to exceed $400; and (4) for a candidate for any other public office--not to exceed $250 [3].

Aggregate contributions by an independent committee to a candidate and political committees organized on his behalf for all elections in a campaign

are limited as follows: (1) for candidates filing jointly for the offices of governor and lieutenant governor--not to exceed $8,000; (2) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor--not to exceed $2,000; (3) for a candidate for public service commissioner, not to exceed $1,000; (4) for a candidate for the state senate--not to exceed $600; and (5) for a candidate for any other public office--not to exceed $300. An "independent committee," for the purpose of the aggregate contribution limits, is a committee that is not specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly by a candidate or candidate's committee and that does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting of contributions. Political party organizations are considered for this limited purpose to be independent committees [4].

The maximum contribution limitations for non-candidate individuals and independent committees do not apply to public funds contributed to a candidate from the public campaign fund [5].

A candidate for the state senate may receive no more than $1,000 in total combined monetary contributions from all political committees contributing to his campaign, and a candidate for the state house of representatives may receive no more than $600 in total combined monetary contributions from all political committees contributing to his campaign; however, these limitations doe not apply to contributions by a political party eligible for a primary election. The state legislator contribution limitations will be multiplied by the "inflation factor" for general election years after 1984, and the revised limits will be published as a rule by the commissioner of political practices [6].

C. Corporation Contributions and Expenditures. A corporation may not make a contribution or an expenditure in connection with a candidate or political committee that supports or opposes a candidate or a political party, and a person, candidate, or political committee may not accept or receive a corporate contribution; however, this proscription does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from individuals who are shareholders, employees, or members of the corporation [7].

A corporation may not increase the salary of any officer or employee or give an emolument to any officer, employee, or other person with the intention that the increase in salary, the emolument, or any part thereof is to be contributed to support or oppose a candidate or ballot issue [8].

D. Political Party Contributions to and Expenditures for Judicial Candidates. A political party may not endorse, contribute to, or make an expenditure to support or oppose a judicial candidate [9].

E. Contributions Not in Name of Contributor. No person may make a contribution of his own money or of another person's money to any other person in connection with an election in any other name than that of the person who in truth supplies the money, and no person may knowingly receive such a contribution or enter or cause it to be entered in his accounts or records in another name than that of the person by whom it was actually furnished [10].

F. Solicitation or Receipt of Contributions by Municipal Government Employees. No person holding an appointive office or position in the municipal government may directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or purpose whatsoever. No person may orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or purpose from any person holding an appointive office or position in the municipal government. No person may take part in preparing any political assessment, subscription, or contribution with the intent that it should be sent or presented to or collected from any person in the service of the municipality nor may he knowingly send or present, directly or indirectly, in person or otherwise, any political assessment, subscription, or contribution to or request its payment by any person in such service [11].

No person in the service of the municipality may discharge, suspend, lay off, reduce in grade, or in any manner change the official rank or compensation of any person in such service or threaten to do so for withholding or neglecting to make any contribution of money or service or any valuable thing for any political service [12].

G. Contributions by Employees of City With Municipal Commission. No officer or employee of a city with the commission form of municipal government may in any manner contribute money, labor, or other valuable thing to any person for election purposes [13].

H. Agency Shop Fees as Contributions. It is an unfair labor practice for a labor organization or its agents to use agency shop fees for contributions to political candidates or parties at the state or local level [14].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election. The term "expenditure" does not mean (1) services, food, or lodging provided in a manner that they are not considered to be contributions; (2) payments by a candidate for his filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for himself and his family; (3) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or (4) the cost of any communication by any membership organization or corporation to its members, stockholders, or employees, so long as the organization is not a primary political committee [15].

IV. REPORTING REQUIREMENTS

A. Definitions. A "candidate" is an individual who (1) has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law or (2) has publicly announced his intention to seek nomination or election to public office by write-in vote and has received a contribution, made an expenditure, or given an authorization to another person to receive a contribution or make an expenditure for the purpose of supporting his nomination or election [16].

An "election is a general, special, or primary election [17].

A "public office" is a state, county, municipal, school, or other district office that is filled by the people at an election [18].

A "political committee" is a combination of two or more individuals or a person other than an individual that makes a contribution or expenditure (1) to support or oppose a candidate or a committee organized to support or oppose a candidate or petition for nomination, (2) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue, or (3) as an earmarked contribution [19].

B. Exception from Reporting Requirements. The campaign finance law, except for the requirement that contributions are to be made in the name of the actual contributor, does not apply to candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue when the school district is a first class district located in a county having a population of less than 15,000, a second- or third-class district, or a county high school district having a student enrollment of less than 2,000 [20].

C. General Provisions. All reports required to be filed by a candidate or political committee must be verified as true and correct by the oath or affirmation of the individual filing the report. The individual filing the report must be the candidate or an officer of a political committee who is on file with the commissioner of political practices as an officer of the committee. Copies of all reports and statements filed must be preserved by the individual filing the reports for a period coinciding with the term of office for which the person was a candidate or for 4 years, whichever is longer [21].

D. Campaign Treasurer Certification, Organizational Statement, and Campaign Depository Designation. Each candidate and political committee must appoint one campaign treasurer and may appoint not more than one deputy campaign treasurer in each county in which a campaign is conducted. The candidate and political committee are required to certify the full name and complete address of the campaign treasurer and all deputy campaign treasurers. The certification is filed with the commissioner of political practices and the county clerk and recorder with whom reports of contributions and expenditures are filed. A candidate must file the certification of the campaign treasurer within 5 days after becoming a candidate [22].

The certification of a political committee, which must include an organizational statement and set forth the names and addresses of all other officers, if any, is to be filed within 5 days after the committee makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever comes first [23]. A political committee filing a certification and organizational statement must name and identify itself in its organizational statement using a name or phrase that clearly identifies the economic or other special interest, if identifiable, of a majority of its contributors and, if a majority of its contributors share a common employer, that clearly identifies the employer [24].

A campaign or deputy campaign treasurer appointed must be a registered voter in this state. An individual may be appointed and serve as a campaign treasurer of a candidate and a political committee or two or more candidates and political committees. A candidate may appoint himself as his own campaign or deputy campaign treasurer. No individual may serve as or perform any duty required of a campaign or deputy campaign treasurer of a candidate or political committee until he has been designated and his name certified by the candidate or political committee [25].

Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer when specifically authorized in writing to do so by both the campaign treasurer and the candidate, in the case of a candidate, or by both the campaign treasurer and the chairman of the political committee, in the case of a political committee. Deputy campaign treasurers may make deposits in and expenditures from secondary depositories when authorized to do so. The written authorization must be maintained as a part of the records required to be kept by the treasurer [26].

The campaign treasurer of each candidate and political committee must keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be reported. These accounts must be current within not more than 10 days after the date of receiving a contribution or making an expenditure, except that accounts must be current as of the 5th day before the prescribed date for filing a report. Accounts kept by a campaign treasurer of a candidate or political committee must be preserved for a period coinciding with the term of office for which the person was a candidate or for 4 years, whichever is longer [27].

Each candidate and political committee must designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee and may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates. Only a bank, credit union, savings and loan association, or building and loan association authorized to transact business in the state may be designated as a campaign depository. The candidate or political committee must file the name and address of each designated primary and secondary depository at the same time and with the same officer with whom the name of the campaign treasurer was filed (i.e., the commissioner of political practices and the county clerk and recorder with whom reports of contributions and expenditures are filed) [28].

All funds received by the campaign treasurer or any deputy campaign treasurer must be deposited prior to the end of the 5th business day following their receipt (Sundays and holidays excluded) in a checking account, share draft account, share checking account, or negotiable order of withdrawal account in a designated campaign depository [29]. The campaign treasurer is authorized to withdraw specified maximum amounts each week ($100 for statewide candidates and political committees and $20 for all other candidates and political committees) from the primary depository for the purpose of providing a petty cash fund to be spent for office supplies, transportation expenses, and other necessities of less than $10. Petty cash may not be used for the purchase of time, space, or services from any communications medium [30].

E. Reports of Contributions and Expenditures. Each candidate and political committee must file periodic verified reports of contributions and expenditures made by or on the behalf of a candidate or political committee [31].

Contributions. Each report must disclose the following information concerning contributions: (1) the amount of cash on hand at the beginning of the reporting period; (2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made aggregate contributions, other than loans, of $25 or more to the candidate or political committee (including the purchase of tickets and other items for events such as dinners, luncheons, rallies, and similar fund-raising events), together with the aggregate amount of those contributions within the reporting period and the total amount of contributions made by that person; (3) the total sum of individual contributions made to or for the political committee or candidate and not required to be reported by individual contributor; (4) the name and address of each political committee or candidate from whom the reporting committee or candidate received any transfer of funds, together with the amount and dates of all transfers; (5) each loan from any person during the reporting period, together with the full names and mailing addresses (occupation and principal place of business, if any) of the lender and endorsers, if any, and the date and amount of each loan; (6) the amount and nature of debts and obligations owed to a political committee or candidates; (7) an itemized account of proceeds that total less than $25 from a person from mass collections made at fund-raising events; (8) each contribution, rebate, refund, or other receipt not otherwise listed during the reporting period; (9) the total sum of all receipts received by or for the political committee or candidate during the reporting period; and (10) other information required by the commissioner of political practices to fully disclose the sources of funds used to support or oppose candidates or issues [32].

Expenditures. The following information on expenditures must be disclosed in the report, except that a candidate is required to report the information specified only if the transactions involved were undertaken for the purpose of influencing an election: (1) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by the political committee or candidate during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person; (2) the full name and mailing addresses (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person; (3) the total sum of expenditures made by a political committee or candidate during the reporting period; (4) the name and address of each political committee or candidate to whom the reporting committee or candidate made any transfers of funds, together with the amount and dates of all transfers; (5) the name of any person to whom a loan was made during the reporting period, including the full name and mailing address (occupation and principal place of business, if any) of that person, and the full name and mailing address (occupation and principal place of business, if any) of the endorsers, if any, and the date and amount of each loan; (6) the amount and nature of debts and obligations owed by a political committee or candidate; and (7) other information that may be required by the commissioner of political practices to fully disclose the disposition of funds used to support or oppose candidates or issues [33].

Candidates for a state office filled by a statewide vote and political committees that are specifically organized to support or oppose a particular statewide candidate or issue must file reports (1) on March 10th and September 10th in each year that an election is to be held; (2) on the 15th and 5th days next preceding the date on which an election is held; (3) within 24 hours after receiving a contribution of $500 or more if received between the 10th day before and the day of the election; (4) not more than 20 days after the date of the election; and (5) on March 10th and September 10th of each year following an election until the candidate or political committee files a closing report [34].

Candidates for a state district office, including but not limited to candidates for the legislature, public service commission, or district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue must file reports (1) on the 10th day next preceding the date on which an election is held; (2) within 24 hours after receiving a contribution of $100 or more if received between the 15th day before and the day of the election; (3) not more than 20 days after the date of the election; and (4) whenever a candidate or political committee files a closing report [35].

Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue are required to file the reports specified for state district office candidates only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds $500 [36].

In lieu of all required contribution and expenditure reports, the commissioner of political practices must accept copies of the reports filed by candidates for congress and president of the United States and their political committees pursuant to the requirements of federal law [37].

An independent committee, which for the purposes of reporting is a political party committee or a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election, must file reports (1) on the 10th day preceding the date of an election in which it participates by making an expenditure; (2) not more than 20 days after the date of the election in which it participates by making an expenditure; and (3) on a date prescribed by the commissioner of political practices for filing a closing report at the close of each calendar year [38].

The commissioner of political practices may promulgate rules regarding the extent to which organizations that are not primary political committees but are incidental political committees must report their politically related activities in accordance with the control of campaign practices law [39].

Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The initial report must cover all contributions received or expenditures made by a candidate or political committee prior to the time that a person became a candidate or a political committee until the 5th day before the date of filing of the appropriate initial report. Subsequent periodic reports must cover the period of time from the closing of the previous report to 5 days before the date of filing of the next required report. Closing reports must cover the period of time from the last periodic report to the final closing of the books of the candidate or political committee. A candidate or political committee is required to file a closing report following an election in which it participates whenever all debts and obligations are extinguished and no further contributions or expenditures will be received or made that relate to the campaign, unless the election is a primary election and the candidate or political committee will participate in the general election [40].

All required reports must be filed with the commissioner of political practices and with the county clerk and recorder of the county in which a candidate is a resident or the political committee has its headquarters; however, where residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports must be filed with the county clerk and recorder of the county in which the election is to be held or, if the election is to be held in more than one county, with the clerk and recorder in the county that the commissioner specifies [41].

V. PUBLIC FINANCING PROVISIONS

A. Establishment of a Public Campaign Fund. Under the Public Campaign Fund Act, a public campaign fund within the state special revenue fund is established to provide public financing for eligible candidates at a general election for the offices of governor-lieutenant governor and chief justice and justice of the state supreme court. Money donated by individual taxpayers on an income tax return is deposited in the fund [42].

B. Eligible Candidates. A candidate who has been nominated for election to the office of governor-lieutenant governor by a political party whose candidate for governor in the last general election received at least 5% of the total votes cast for that office or who has been nominated in the nonpartisan primary election for the office of chief justice or justice of the state supreme court is eligible to receive monies from the public campaign fund if the candidate is opposed in the election and has notified the department of revenue that he wishes to receive money from the fund. Acceptance of money from the fund voluntary [43].

C. Disbursement of Money From the Fund. Five months before the general election in the election year money in the fund must be paid over in equal amounts to all eligible candidates for the designated offices according to the following percentages: campaign for the office of governor-lieutenant governor--50%, and campaigns for the offices of chief justice and justice of the supreme court--50% allocated equally to each eligible campaign fund. Three months before the election, the remainder of any money in the fund must be remitted to the treasurer of each candidate in the same proportion as the initial allocation [44].

The money from the fund may be spent only for the legitimate campaign expenses of the candidates [45]. The treasurer of each "political party" [sic] must maintain a complete record of all disbursements of funds received by him and used for a candidate's campaign expenses, along with receipts or other evidence of each expense. A copy of the record must be deposited in the office of the secretary of state by December 31st of each general election year [46].

VI. TAX PROVISIONS

A. Donation by Taxpayer. An individual whose withheld income tax or payment of estimated tax exceeds his income tax liability for the taxable year by more than $1 may donate $1 to be paid to the public campaign fund. In the case of a joint return of a husband and wife having an income tax overpayment of $2 or more, each spouse may donate $1 to be paid to the fund. An individual with an unpaid tax liability may at the time of payment donate an extra $1 to be paid to the fund. The department of revenue is required to provide a place on the face of the blank income tax return form where an individual may make the donation to the public campaign fund. The form must adequately explain the individual's option to donate $1 to the fund [47].

B. Deduction for Political Contributions. In computing net income for income tax purposes, an individual is allowed as a deduction political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code that were in effect for the taxable year ending December 31, 1978 [48]. This section provided that a verified political contribution paid by an individual within the taxable year would be allowed as a deduction in an amount not to exceed $100 ($200 in the case of a joint return) [48].

VII. OFFENSES AND PENALTIES

A. Enforcement Procedure by Commissioner of Political Practices. Each statement and report filed with the commissioner of political practices during an election or within 60 days thereafter must be inspected within 10 days after it is filed. If a person has not satisfied the provisions of the control of campaign practices law by not filing or by filing a non-conforming statement or report, the commissioner must immediately notify the person of the non-compliance. If an order of non-compliance is issued during a campaign period or within 60 days after an election, a candidate or political committee must submit the necessary information within 5 days after receiving the notice. If an order is issued during any other period, a candidate or political committee must submit the necessary information within 10 days after receiving the notice of non-compliance [49].

Within 120 days after the date of each election, the commissioner must examine and compare each statement or report filed to determine whether it conforms to the provisions of the law. The commissioner may investigate the source and authenticity of any contribution or expenditure listed in any report or statement filed or the alleged failure to report any contribution or expenditure required to be reported [50].

The commissioner of political practices is responsible for investigating all alleged violations of the election laws and in conjunction with the county attorneys is responsible for their enforcement. The commissioner may investigate all statements filed and must investigate alleged failures to file any statement or the alleged falsification of any statement filed. Upon the submission of a written complaint by any individual, the commissioner is required to investigate an alleged violation of the control of campaign practices law and related rules [51].

Whenever the commissioner of political practices determines that there appears to be sufficient evidence to justify a civil or criminal prosecution, he must notify the county attorney of the county in which the alleged violation occurred and arrange to transmit to the county attorney all information relevant to the alleged violation. If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after he receives notification of the alleged violation, the commissioner may then initiate the appropriate legal action [52].

B. Criminal Penalties. A person who knowingly violates a provision of the election laws of the state for which no other penalty is specified is guilty of a misdemeanor [53]. The use of money from the public campaign fund by anyone for any purpose other than the legitimate campaign expenses of a candidate for a designated public office is an offense and is punishable by imprisonment for not more than one year, by a fine of not more than $5,000, or both [54]. A person who violates the law concerning the solicitation or receipt of contributions by municipal government personnel is guilty of a misdemeanor [55].

C. Civil Penalties. Any person who intentionally or negligently violates any of the reporting provisions of the control of campaign practices law or who makes or receives a contribution or expenditure in violation of that law is liable in a civil action brought by the commissioner of political practices or a county attorney for up to $500 or three times the amount of the unlawful contributions or expenditures, whichever is greater [56]. This civil action is the exclusive remedy for violation of the contribution, expenditure, and reporting provisions, except in the case of misuse of public campaign fund money [57].

D. Campaign-Related and Election-Related Penalties. A candidate who is convicted of violating a provision of the election law is ineligible to be a candidate for any public office in the state until his final discharge from state supervision; a campaign treasurer who is convicted of violating the election law is ineligible to be a candidate for any public office or to hold the position of campaign treasurer in any campaign until his final discharge from state supervision. If an elected official or a candidate is adjudicated to have violated any provision of the election law, he must be removed from nomination or office, as the case may be [58].

The name of a candidate may not be printed on the official ballot for an election if the candidate or a political treasurer for a candidate fails to file any statement or report as required by the control of campaign practices law [59]. A certificate of election may not be granted to any candidate until he or his political treasurer has filed the required reports and statements [60].

VIII. REGULATORY AGENCIES

A. Commissioner of Political Practices. The commissioner of political practices is the designated filing officer, along with the appropriate county clerk and recorder, to receive all required campaign finance-related reports, [61]. The commissioner is required to inspect and examine all filed reports, investigate violations of the election laws, promulgate and publish necessary rules, prescribe and furnish forms for statements and other required information, and prepare and publish a manual prescribing a uniform system of accounts [62].

REFERENCES

1. Montana Code Annotated (hereafter MCA) § 13-1-101(3)
2. MCA § 13-1-101(11)
3. MCA § 13-37-216(1)
4. MCA § 13-37-216(2)
5. MCA § 13-37-216(3)
6. MCA § 13-37-218; *see also* § 15-30-101(8)
7. MCA § 13-35-227(1)-(3)
8. MCA § 13-35-228
9. MCA § 13-35-231
10. MCA § 13-37-217
11. MCA § 7-3-1254(1)
12. MCA § 7-3-1254(2)
13. MCA § 7-3-4256(1)
14. MCA § 39-31-402(3)
15. MCA § 13-1-101(7)
16. MCA § 13-1-101(2)
17. MCA § 13-1-101(4)
18. MCA § 13-1-101(15)
19. MCA § 13-1-101(12)
20. MCA § 13-37-206
21. MCA § 13-37-231
22. MCA §§ 13-37-201; 13-37-202(1)
23. MCA § 13-37-201
24. MCA § 13-37-210
25. MCA §§ 13-37-203
26. MCA §§ 13-37-202(2); 13-37-205
27. MCA § 13-37-208(1), (3)
28. MCA § 13-37-205
29. MCA § 13-37-207(1)
30. MCA § 13-37-215
31. MCA § 13-37-225(1)
32. MCA § 13-37-229
33. MCA § 13-37-230
34. MCA § 13-37-226(1)
35. MCA § 13-37-226(2)
36. MCA § 13-37-226(3)
37. MCA § 13-37-225(2)
38. MCA § 13-37-226(4)
39. MCA § 13-37-226(5)
40. MCA §§ 13-37-228; 13-37-226(6)
41. MCA § 13-37-225(1)
42. MCA §§ 13-37-301; 13-37-302; 13-37-303; 13-37-304
43. MCA §§ 13-37-302; 13-37-304; 13-37-307; 13-37-308
44. MCA § 13-37-304(3), (4)
45. MCA § 13-37-304(3)(a)
46. MCA § 13-37-305
47. MCA §§ 13-37-303; 13-37-304(2)
48. MCA § 15-30-121(4); 26 U.S.C. § 218(a), (b) (repealed eff. January 1, 1979)
49. MCA §§ 13-37-121; 13-37-11
50. MCA § 13-37-123
51. MCA § 13-37-111(1), (2)
52. MCA § 13-37-124(1)
53. MCA § 13-35-103
54. MCA § 13-37-306
55. MCA §§ 7-3-1254(3); 7-3-4256
56. MCA §§ 13-37-128; 13-35-227(4)
57. MCA § 13-37-130
58. MCA § 13-35-106
59. MCA § 13-37-126(1)
60. MCA § 13-37-127(1)
61. MCA §§ 13-37-201; 13-37-205; 13-37-202(1); 13-37-225(1)
62. MCA §§ 13-37-111; 13-37-114; 13-37-121; 13-37-123

CAMPAIGN FINANCE LAW
IN NEBRASKA

I. INTRODUCTION

Nebraska requires candidate committees, political party committees, ballot question committees, and independent committees to file pre- and post-election campaign statements after receiving contributions or making expenditures of over $1,000. Persons making independent expenditures of over $100 must file reports. Corporations, labor organizations, and industry, trade, or professional associations are not permitted to receive contributions or make expenditures; however, these organizations may establish separate segregated political funds for the purpose of receiving contributions and making expenditures. The Nebraska accountability and disclosure commission is responsible for administering the Political Accountability and Disclosure Act.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, donation, pledge, or promise of money or anything of ascertainable monetary value to a person that is made for the purpose of influencing the nomination or election of a candidate or for the qualification, passage, or defeat of a ballot question [1]. An "in-kind contribution" is a contribution other than money [2].

A "contribution" includes (1) the purchase of tickets or payment of an attendance fee for events such as dinners, luncheons, rallies, testimonials, and similar fund-raising events; (2) an individual's own money or property other than the individual's homestead used on behalf of his candidacy; and (3) the granting of discounts or rebates by broadcast media and newspapers not extended on an equal basis to all candidates for the same office [3].

A contribution does not include (1) an offer or tender of a contribution if expressly and unconditionally rejected or returned; (2) volunteer personal services provided without compensation or payment of costs incurred of less than $250 in a calendar year by an individual for personal travel expenses if the costs are voluntarily incurred without any understanding or agreement that the costs will be directly or indirectly repaid; (3) amounts received pursuant to a pledge or promise to the extent that the amounts were previously reported as a contribution; and (4) food and beverages not exceeding $50 in value during a calendar year that are donated by an individual and for which reimbursement is not given.

B. Receipt and Disposition of Contributions by a Committee. A contribution may not be accepted by a committee that has not filed a statement of organization and does not have a treasurer. A contribution received by an individual acting in behalf of a committee must be reported promptly to the committee's treasurer not later than 5 days before the closing date of any campaign statement required to be filed by a committee or immediately if the contribution is received less than 5 days before the closing date [5].

A contribution received by a candidate or an agent of a candidate is considered to have been received by the candidate committee. A contribution is considered received by a committee when it is received by the committee treasurer or a designated agent of the treasurer even if the contribution is not deposited in the official depository by the reporting deadline. A contribution received by a committee must not be commingled with any funds of an agent of the committee or any other person [6].

C. Contribution Made for Transfer to a Candidate Committee. A contribution may not be made by one person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee [7].

D. Contribution by a Candidate Committee to Another Candidate Committee. A candidate committee may not make a contribution to or an independent expenditure in behalf of another candidate committee, except that a candidate committee may make a contribution to another candidate committee for a fund-raising event of the other candidate committee [8].

E. Contributions to and by a Corporation, Labor Organization, or Industry, Trade, or Professional Association. A corporation, labor organization, or industry, trade, or professional association may not receive contributions unless it establishes and administers a separate segregated political fund, which may be utilized only for the purpose of receiving contributions and making expenditures in the manner provided by the Public Accountability and Disclosure Act [9].

A corporation, labor organization, or industry, trade, or professional association that has established and administers a separate segregated political fund may not make "expenditures" to the fund; however, it may make expenditures and provide personal services for the establishment and administration of the fund [10].

F. Contributions to and Expenditures by a Separate Segregated Political Fund. A separate segregated political fund may be established and administered by a corporation, labor organization, or industry, trade, or professional association only for the purpose of receiving the contributions and making the expenditures authorized for such a fund [11]. The fund is considered to be an independent committee and is subject to all the provisions applicable to independent committees. The corporation, labor organization, or industry, trade, or professional association that established and administers the fund must make the required reports and filings for the fund [12].

All contributions to and expenditures from the fund must be limited to money or anything of ascertainable value obtained through the voluntary contributions of the employees, officers, directors, stockholders, or members of the corporation (including a nonprofit corporation) labor organization, or industry, trade, or professional association and their affiliates under which the fund was established. No contribution may be received or expenditure made from the fund if it was obtained or made by using or threatening to use job discrimination or financial reprisals. Only expenditures to candidates and committees and independent expenditures may be made from a fund established by a corporation or labor organization. Only expenditures to candidates and committees, independent expenditures, and expenditures for the establishment and administration of the fund may be made from a fund established by an industry, trade, or professional association [13].

G. Acceptance and Expenditure of Anonymous Contributions. A person may not accept or expend an anonymous contribution. An anonymous contribution received by a person may not knowingly be deposited, but must be given to a tax-exempt charitable organization. The charitable organization receiving the contribution must provide the person with a receipt, and the person must then give a copy of the receipt to the Nebraska accountability and disclosure commission [14].

H. Contributions Resulting From Fund-Raising Activities. A contribution received as the result of a fund-raising event, from the sale of political merchandise, or from membership fees, dues, or subscriptions to an independent committee for political purposes that is $50 or less is not considered to be an anonymous contribution. A person making such a contribution that is $50 or more must furnish the recipient with the donor's name, address, and the total amount contributed [15].

I. Contributions in Legal Name of Contributor. A contribution must not be made, directly or indirectly, by any person in a name other than the name by which that person is identified for legal purposes [16].

J. Contributions Through Intermediaries. A person who accepts a contribution, other than by written instrument, on behalf of another and acts as the intermediary or agent of the person from whom the contribution was accepted must disclose to the recipient of the contribution the intermediary's own name and address and the name and address of the actual source of the contribution [17].

K. Receipt of Contributions of $100 or More. No person may receive a contribution from a person other than a committee unless, for the purposes of the recipient person's recordkeeping and reporting requirements, the contribution is accompanied by the name and address of each person who contributed more than $100 to the contribution [18].

L. Contributions in Cash. A contribution or expenditure of more than $50 may not be made or accepted in cash. A contribution or expenditure of more than $50, other than an in-kind contribution or expenditure, must be made by a written instrument containing the names of the payor and the payee [19].

M. Political Communications at Public Expense. A political newsletter or other campaign mass mailing may not be sent at public expense by or on behalf of any elected official after that person has announced his candidacy for any office [20].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of or in opposition to the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question [21]. An "in-kind expenditure" is an expenditure other than money [22]. An "expenditure" includes a contribution or transfer of anything of ascertainable monetary value for the purpose of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question [23].

The term "expenditure" does not include (1) an offer or tender of an expenditure if expressly and unconditionally rejected or returned; (2) an amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expenditure; (3) an expenditure for communication by a person strictly with the person's paid members or shareholders; (4) an expenditure for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference; (5) an expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for any news story, commentary, or editorial in support or in opposition to a candidate for elective office or a ballot question in the regular course of publication or broadcasting; and (6) an expenditure for non-partisan voter registration activities. The last exclusion does not apply if a candidate or group of candidates sponsors, finances, or is identified by name with the activity or if the activity is performed by an election commissioner or other registration official who is identified by name with the activity (pursuant to Chapter 32, Article 2) [24].

B. Expenditures by a Committee. An expenditure may not be made by a committee that has not filed a statement of organization and does not have a treasurer. An expenditure may not be made by a committee without the authorization of the treasurer or the treasurer's designee. Expenditures made by a candidate or an agent of a candidate are considered to have been made by the candidate committee [25]. A committee, other than a political party committee, may not expend or transfer funds except to make an expenditure. A committee may invest funds in investments authorized by state law for the state investment officer [26].

A committee may not expend or transfer funds (1) for the purchase or payment of clothes or medical or dental expense of a candidate or the members of his immediate family; (2) installment payments for an automobile owned by a candidate; (3) mortgage or rental payments for a permanent residence of a candidate; (4) the satisfaction of personal debts, including installment payments on personal loans, except campaign loans that are required to be reported; (5) personal services, including the services of a lawyer or accountant, except campaign services that are required to be reported in a campaign statement; and (6) office supplies, staff, or furnishings for the public office for which an individual is a candidate for nomination or election [27].

C. Expenditure by an Agent or Independent Contractor of a Committee. An expenditure may not be made, other than for overhead or normal operating expenses, by an agent or an independent contractor, including an advertising agency, on behalf of or for the benefit of a person unless the expenditure is reported by the committee as if the expenditure were made directly by the committee or unless the agent or independent contractor files a report of an independent expenditure. The agent or independent contractor must make known to the committee all information required to be reported by the committee [28].

D. Expenditures by a Corporation, Labor Organization, or Industry, Trade, or Professional Association. A corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of the state or another state or country and doing business in the state, may make expenditures and provide personal services without becoming a committee [29]. If a corporation, labor organization, or industry, trade, or professional association has established and administers a separate segregated political fund, it is prohibited from making an expenditure to the fund, but may make expenditures and provide personal services for the establishment and administration of the fund [30].

IV. REPORTING REQUIREMENTS

A. Committee Statement of Organization

1. Committees Required to File Statements. Each committee is required to file a statement of organization upon raising, receiving, or spending more than $1,000, and no contribution may be accepted or expenditure made by a committee unless the statement has been filed [31].

A "committee" is (1) any combination of two or more individuals that receives contributions or makes expenditures of over $1,000 for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions or (2) a person, which includes any candidate, business or labor organization, or other organization or group of persons acting jointly, whose primary purpose is to receive contributions or make expenditures and that receives or makes contributions or expenditures of over $1,000 for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions [32].

A corporation, labor organization, or industry, trade, or professional organization is not considered to be a committee if it makes expenditures or provides personal services in compliance with the Political Accountability and Disclosure Act [33].

There are four types of committees recognized under the Act: (1) a candidate committee, (2) a ballot question committee, (3) a political party committee, and (4) an independent committee, which includes a separate segregated political fund [34].

Candidate Committee. A "candidate" committee is a committee designated in a candidate's filed statement of organization as that individual's candidate committee [35]. A candidate, upon raising, receiving, or expending in excess of $1,000 (excluding the fee for filing for office) must form a candidate committee, which may be a one-person committee consisting of the candidate. A person who is a candidate for more than one office must form a candidate committee for the office for which the person is a candidate upon raising, receiving, or expending in excess of $1,000 for the campaign for that office [36]. A candidate committee is presumed to be under the control and direction of the candidate named in the statement of organization [37].

A "candidate" is considered to be an individual (1) who files or on behalf of whom is filed a fee, affidavit, nomination papers, or nominating petition for an elective office; (2) whose nomination as a candidate for elective office by a political party caucus, committee, or convention is certified by the appropriate filing office; (3) who is an officeholder who is the subject of a recall vote; or (4) who receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made. If eligible under law, an elected officeholder is considered to be a candidate for reelection to his present office for the purposes of the Act [38].

Ballot Question Committee. A "ballot question committee" is any committee acting in support of or in opposition to the qualification, passage, or defeat of a ballot question, but that does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate [39]. A "ballot question" is a question that is submitted or is intended to be submitted to a popular vote at an election by way of initiative, referendum, or recall or as a result of legislative action, whether or not it qualifies for the ballot [40].

Political Party Committee. A "political party committee" is a state central, district, or county committee of a political party that qualifies as a "committee" [41].

Independent Committee. An "independent committee" is a committee other than a candidate, ballot question, or political party committee. A separate segregated political fund established and administered by a corporation, labor organization, or industry, trade, or professional association is considered to be an independent committee [42].

2. General Provisions. A committee must have a treasurer who is a qualified elector of the state, and no contribution may be accepted or expenditure made by a committee that does not have a treasurer. A candidate may appoint himself as the treasurer of his candidate committee, and when the office of candidate committee treasurer is vacant, the candidate is considered to be the treasurer until a new treasurer is appointed [43]. The committee treasurer must keep detailed accounts, records, bills, and receipts necessary to substantiate the information contained in a statement or report filed pursuant to the Political Accountability and Disclosure Act or rules promulgated by the Nebraska accountability and disclosure commission. The records of a committee must be preserved for five years and made available for inspection as authorized by the commission [44].

In addition, each committee must designate one account in a financial institution as an official depository for the purpose of depositing all contributions that it receives in the form of or that are converted to money, checks, or other negotiable instruments and for the purpose of making all expenditures. Secondary depositories may be used for the sole purpose of depositing contributions and promptly transferring the deposits to the committee's official depository [45].

A statement of organization is to include the following information: (1) the name, street address, and telephone number, if any, of the committee (the committee address may be the home address of the candidate or treasurer of the committee); (2) the name, street address, and telephone number, if any, of each person, other than an individual, that is a member of the committee; (3) the full name, street address, and telephone number, if any, of the treasurer and other principal officers of the committee; (4) the name and address of the financial institution in which the official committee depository is located and the name and address of each financial institution in which a secondary depository is or is intended to be located; (5) the full name and office sought by each candidate and a brief statement identifying the substance of each ballot question supported or opposed by the committee; (6) identification of the committee as a candidate committee, ballot question committee, political party committee, or independent committee if it is identifiable as a specific type of committee; and (7) such other information as may be required by the rules and regulations of the commission [46].

A committee must file its statement of organization with the filing officials designated to receive the committee's campaign statements within 10 days after the committee is formed, which is when $1,000 has been raised, received, or expended [47]. If any of the information required in a statement of organization is changed, the change must be reported to the commission when the next campaign statement is required to be filed [48].

B. Statement of Dissolution of a Committee. Upon the dissolution of a committee, a statement indicating the dissolution must be filed with the filing official with whom the committee's statement of organization was filed. Dissolution of a committee must be accomplished in accordance with rules promulgated by the commission [49].

C. Committee Campaign Statements

1. General Provisions. Every committee is required to file legibly printed or typed pre- and post-election campaign statements of contributions and expenditures, starting with the next campaign statement due after it receives contributions or makes expenditures of over $1,000 to support or oppose one or more candidates or the qualification, passage, or defeat of one or more ballot questions [50].

A committee must also file an annual campaign statement if it received or expended more than $1,000 from May 2nd of one year through May 1st of the next year. An annual campaign statement is not required to be filed (1) by a committee if it must file a campaign statement in connection with an election held during the filing period for the annual statement (i.e., May 2nd through June 1st) or (2) by a candidate committee for an officeholder who is a judge or holds an elective office for which the salary is less than $100 a month and does not receive any contribution or make any expenditure during the time period that would otherwise be included in the statement [51].

Campaign statements must be filed according to the following schedule: (1) a first pre-election campaign statement must be filed not later than the 30th day before the election; the closing date is the 35th day before the election; (2) a second pre-election campaign statement must be filed not later than the 10th day before the election; the closing date is the 15th day before the election; and (3) a post-election campaign statement must be filed not later than the 40th day following the election; the closing date is the 35th day following the election; however, if all liabilities of a candidate and committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the 40th day following the election [52].

The annual campaign statement is required to be filed not later than June 1st; the closing date is May 1st [53]. An additional campaign statement must filed by a ballot question committee within 35 days after the final deadline for which certification is to be made by the secretary of state; the closing date is the 30th day following the deadline [54].

Every campaign statement must be filed with the Nebraska accountability and disclosure commission; however, a copy of the statement also must be filed with a local office, which varies according to the type of committee. A copy of the campaign statement of a candidate committee must be filed with the election commissioner or, if there is no election commissioner, then with the clerk of the county of residence of the candidate. A copy of the campaign statement of a ballot question committee supporting or opposing a statewide ballot question or a ballot question to be voted upon in more than one county but not statewide must be filed with the election commissioner or, if there is no election comissioner, with the clerk of the most populous county in the election district in which the ballot question is to be voted upon. A ballot question committee supporting or opposing a ballot question to be voted on within a single county must file a statement with the election commissioner or, if there is no election comissioner, with the clerk of the affected county [55].

A copy of the campaign statement of a district political party must be filed with the election commissioner or, if there is no election commissioner, with the clerk of the most populous county in the district. A copy of the statement of a county committee must be filed with the election commissioner or, if there is no election commissioner, with the clerk of the affected county. A state central committee is required to file only with the commission [56].

A copy of the campaign finance statement of any other committee must be filed with the election commissioner or, if there is no election commissioner, with the clerk of the county of residence of a majority of the candidates for whom it made expenditures [57].

2. Campaign Statements of a Committee Other Than a Political Party Committee. The campaign statements of a committee other than a political party committee must contain the following information:

(1) The committee's name, address, and telephone number and the full name, residential and business addresses, and telephone numbers of its treasurer.

(2) Under the heading "receipts," the total amount of contributions received during the period covered by the campaign statement and under the heading "expenditures," the total amount of expenditures made during the period covered by the statement. If a loan was repaid during the period covered by the statement, the amount of the repayment must be subtracted from the total amount of contributions received. Forgiveness of a loan may not be included in the totals. Payment of a loan by a third party must be recorded and reported as a contribution by the third party, but must not be included in the totals. In-kind contributions or expenditures must be listed at fair market value and reported as both contributions and expenditures.

(3) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the statement.

(4) The full name of each person from whom contributions totalling more than $100 were received during the period covered by the report, together with the person's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by the person for the particular election.

(5) The cumulative amount contributed and the name and address of each person, other than those reported as contributing more than $100 during the period covered by the report, who contributed a total of more than $100 for the particular election.

(6) The name and street address of each committee and the full name and street address of the treasurer of each committee that is listed as a contributor.

(7) The full name and street address of each person to whom expenditures totalling more than $100 were made, together with the amount of each separate expenditure to each person during the period covered by the statement, the purpose of the expenditure, and the full name and street address of the person providing the consideration for which any expenditure was made, if different from the payee.

(8) The amount of expenditures for or against a candidate or ballot question during the period covered by the statement and the cumulative amount of expenditures for or against that candidate or ballot question. An expenditure made in support of more than one candidate or ballot question or both must be apportioned reasonably among the candidates, ballot questions, or both [58].

Any income received by a committee on an account consisting of funds or property belonging to the committee is not considered to be a contribution to the committee, but must be reported in the campaign statement as income. Any interest paid by a committee must be reported as an expenditure. A loan made or received must be set forth in a separate schedule providing the date and amount of the loan and, if the loan is repaid, the date and manner of repayment. The committee must provide the name and address of the lender and any person who is liable directly, indirectly, or contingently on each loan of more than $100 [59].

A campaign statement must be signed by the committee treasurer and notarized. A verification statement must be part of the campaign statement and state that the treasurer used all reasonable diligence in its preparation and that to the treasurer's knowledge the statement is true and complete [60].

3. **Campaign Statements of a Political Party Committee.** The campaign statements filed by a political party committee must contain the following information:

(1) The full name and street address of each person from whom contributions totalling more than $100 in value were received in a calendar year, the amount, and the dates of contribution. If the contributor is a committee, the name and address of the committee and the full name and street address of the committee treasurer, together with the amount of the contribution and the date of receipt, must be provided.

(2) An itemized list of all expenditures, including in-kind contributions and expenditures and loans, made during the period covered by the statement that were contributions to a candidate committee of a candidate for elective office or a ballot question committee. Each contribution must note the name and address of the committee, the name of the candidate and the office sought, if any, and the date of the contribution.

(3) An itemized list of all expenditures, including in-kind contributions and expenditures and loans, made during the period covered by the statement that were independent expenditures in support of the qualification, passage, or defeat of a ballot question or in support of the nomination or election of a candidate for elective office or the defeat of any of the candidate's opponents. This listing of an independent contribution must note the name of the candidate for whose benefit the expenditure was made and the office sought by the candidate or a brief description of the ballot question for which the expenditure was made; the amount, date, and purpose of the expenditure; and the full name and address of the person to whom the expenditure was made.

(4) The total expenditures by the committee for each candidate for elective office or ballot question in whose behalf an independent expenditure was made or a contribution was given for the election.

(5) The filer's name, address, and telephone number, if any, and the full name, residential and business addresses, and telephone numbers of the committee treasurer [61].

Any listed expenditure that was made in support of more than one candidate or ballot question or both must be apportioned reasonably among the candidates or ballot questions or both [62]. Any income received by a committee on an account consisting of property belonging to the committee is not considered to be a contribution to the committee, but must be reported in the campaign statement as income. Any interest paid by a committee must be reported as an expenditure. A loan made or received must be set forth in a separate schedule providing the date and amount of the loan and, if the loan is repaid, the date and amount of repayment. The committee must report the name and address of the lender and any person who is liable directly, indirectly, or contingently on each loan of more than $100 [63].

A campaign statement must be signed by the committee treasurer and notarized. A verification statement must be part of the statement and state that the treasurer used all reasonable diligence in its preparation and that to the treasurer's knowledge the statement is true and complete [64].

D. Committee Report of a Large Late Contribution. A late contribution, which is a contribution of $500 or more received after the closing date of the last campaign statement required to be filed prior to an election, must be reported by filing with the filing officer within 5 days after its receipt the full name, street address, occupation, employer, and principal place of business of the contributor. Filing of a report of a late contribution may be by any written means of communication and need not contain an original signature. A late contribution must also be reported on subsequent campaign statements [65].

E. Reports of Independent Expenditures. A person other than a committee who makes an independent expenditure of more than $100 advocating the election of a candidate, the defeat of a candidate's opponents, or the qualification, passage, or defeat of a ballot question must file a report of the independent expenditure [66]. An "independent expenditure" is an expenditure by a person that is not made at the direction of or under the control of another person and is not a contribution to a committee [67].

The report must be made on an independent expenditure report form provided by the commission and filed within 10 days with the commission and the election commissioner or, if there is no election commissioner, the clerk of the county of residence of the person. The report must include the date of the expenditure, a brief description of the nature of the expenditure, the amount, the name and address of the person to whom it was paid, the name and address of the person filing the report, and the name, address, occupation, employer, and principal place of business of each person who contributed more than $100 to the expenditure [68].

A contribution or expenditure made by a dependent minor must be reported in the name of the minor's parent or guardian. A contribution that is controlled by or made at the direction of another person, including a parent organization, subsidiary, division, committee, department, branch, or local unit of a person is required to be reported by the person making the contribution and is regarded as a contribution attributable to both persons [69].

F. Reports of Expenditures and Personal Services by a Corporation, Labor Organization, or Industry, Trade, or Professional Association. A corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of the state or any other state or country and doing business in the state, may make expenditures and provide personal services without becoming a committee. It is not required to file a report of independent expenditures, but it is required to file with the commission a report of expenditures made and personal services provided, unless exempted [70].

If a corporation, labor organization, or industry, trade, or professional association has established and administers a separate segregated political fund, it must file a report of expenditures and personal services with respect to expenditures made or personal services provided for the establishment and administration of the fund; however, the organization need not file a report for expenditures made from the fund. If a corporation makes an expenditure to a separate segregated political fund that has been established and is administered by an industry, trade, or professional association of which the corporation is a member, the corporation is not required to file a report of expenditures [71].

The report must fully disclose the nature, date, and value of any expenditure, as well as the committee or candidate to whom or in whose behalf it was made. In the case of personal services, the corporation, labor organization, or industry, trade, or professional association must fully detail the nature, dates, and the specifics of the personal services provided, the committee or candidate to whom or in whose behalf it was made, and the proposition in behalf of or in opposition to which it was made [72].

The report must be filed with the commission within 10 days after the end of the calendar month in which any expenditure is made or personal service provided [73].

G. Candidate Statement of Financial Interests. A candidate for certain state and local elective offices is required to file with the appropriate filing officers a statement of financial interests for the preceding calendar year [74].

V. POST-ELECTION REQUIREMENTS

A. Transfer of Funds After Termination of a Candidate Committee. A person who, after being a candidate for office, terminates his candidate committee, may transfer any unexpended funds from the terminated committee to another candidate committee, a political party committee, or a tax-exempt charitable institution or return the unexpended funds to the contributors of the funds [75].

B. Expenditure or Transfer of Funds After an Election. A committee, including a political party committee, may make expenditures or transfer funds after any election for (1) the necessary continued operation of the campaign offices of the candidate or political committee; (2) social events primarily for the benefit of campaign workers and volunteers; (3) obtaining public input and opinion; (4) repayment of campaign loans incurred prior to election day; (5) newsletters and other communications of information, thanks, acknowledgement, or greeting or for the purpose of political organization and planning; (6) gifts of acknowledgement, including flowers and charitable contributions (except that gifts to any one natural person may not exceed $50 in any one calendar year); and (7) meals, lodging, and travel by an officeholder that are related to his candidacy and for members of the immediate family of the officeholder when they are involved in activities related to his candidacy [76].

VI. OFFENSES AND PENALTIES

A. Enforcement Procedure

1. **Commission Action.** The Nebraska accountability and disclosure commission is required to make random field investigations and audits with respect to campaign statements and activity reports filed with the commission. Any audit or investigation conducted of a candidate's campaign statements during a campaign must include an audit or investigation of the statements of his opponents as well. The commission may also carry out field investigations or audits with respect to any campaign statement, registration, report, or other statement filed if the commission or the executive director deems an investigation or audit to be necessary to carry out the purposes of the Public Accountability and Disclosure Act [77].

Upon a complaint signed under oath by any person, upon the recommendation of the executive director, or upon its own motion, the commission is required, by way of preliminary investigation, to investigate any alleged violation of the Act or any rule or regulation [78]. If a preliminary investigation fails to indicate probable cause for belief that the Act has been violated, the commission must terminate the investigation. If after a preliminary investigation it is determined by the commission that there is probable cause to believe that the Act or a rule or regulation has been violated, the commission must initiate appropriate proceedings to determine whether there has in fact been a violation [79]. Upon finding that there has been a violation, the commission may begin civil or criminal prosecution for the imposition of civil or criminal penalties provided by the Act. If the commission finds a violation, it may issue an order requiring the violator to cease and desist violation, to file any report, statement, or other information as required, or to pay a civil penalty of not more than $1,000 for each violation [80].

2. **Attorney General and County Attorney Action.** The attorney general and the county attorney of the county in which a violation allegedly occurred have concurrent jurisdiction with the commission to enforce the criminal provisions of the Public Accountability and Disclosure Act [81].

3. **Private Mandamus Action.** An individual who believes that a violation of the Act has occurred may, after exhausting the administrative remedies provided in the Act, bring a civil action to compel the commission to fulfill its responsibilities or may bring a civil action against a person to compel compliance with the provisions of the Act [82].

B. Criminal Penalties. A person who violates any of the following provisions of the Nebraska Political Accountability and Disclosure Act is guilty of a misdemeanor: (1) the requirements for the formation and operation of a candidate committee (class IV misdemeanor); (2) the requirements applicable to a committee treasurer (class III misdemeanor); (3) the reporting of independent expenditures requirements (class IV misdemeanor); (4) the requirements for contributions and expenditures of a corporation, labor organization, industry, trade, or professional association, and separate segregated political fund (class III misdemeanor); (5) the requirement for a contribution or expenditure over $50 to be made by written instrument (class III misdemeanor); (6) the prohibition of acceptance or expenditure of an anonymous contribution (class III misdemeanor); (7) the requirement for a contribution to be made in the legal name of the contributor (class III misdemeanor); (8) the prohibition of a political mailing for an elected official at public expense (class III misdemeanor); (9) the requirement for disclosure of information when a contribution is made through an intermediary (class III misdemeanor); (10) the prohibition of receipt of a contribution over $100 without contributor information (class III misdemeanor); (11) the requirement concerning the reporting of expenditures by an agent or independent contractor of a committee (class III misdemeanor); (12) the prohibition of a prearranged transfer of a contribution to a particular committee (class III misdemeanor); (13) the restriction on a candidate committee contribution to another candidate committee (class III misdemeanor); and prohibition of filing of a false statement or report (class IV felony) [83].

C. Late Filing Fees. A person who fails to report to the commission any change required in a statement of organization must pay a late filing fee of $10 if the change remains unreported [84]. A person who fails to file a required campaign statement with the commission must pay a late filing fee of $10 for each day the statement remains not filed, but not more than $300 [85].

VII. REGULATORY AGENCIES

A. Nebraska Accountability and Disclosure Commission. The Nebraska accountability and disclosure commission is required to (1) prescribe and publish rules and regulations to carry out the provisions of the Public Accountability and Disclosure Act; (2) prescribe forms for statements and reports required to be filed and furnish the forms to persons required to file statements and reports; (3) prepare and publish manuals explaining the duties of all persons and other entities required to file statements and reports and setting forth recommended uniform methods of accounting and reporting for such filings; (4) accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of the Act; (5) prepare and publish summaries of statements and reports filed with the commission and special reports and technical studies to further the purposes of the Act; (6) review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement; (7) issue and publish advisory opinions on the requirements of the Act upon the request of a person or governmental body directly covered or affected; (8) act as the primary civil and criminal enforcement agency for violations of the Act and the rules or regulations promulgated under the Act; and (9) prepare and distribute to the appropriate local officials statements of financial interest, campaign committee organization forms, filing instructions and forms, and such other forms as the commission deems appropriate [86].

The commission may suspend or modify any of the reporting requirements of the Act in a particular case if good cause is shown or it finds that literal application of the reporting requirements works a manifestly unreasonable hardship and if it also finds that suspension or modification will not frustrate the purposes of the Act [87].

B. County Clerks and Election Commissioners. The county clerk or election commissioner in each county must distribute forms prepared by the commission to any person required to file any statement or report [88]. The appropriate election commissioner or county clerk, if there is no election commissioner, is to receive from a committee a copy of the committee's statement of organization and campaign statements filed with the commission [89].

REFERENCES

1. Revised Statues of Nebraska (hereafter RSN) § 49-1415(a)
2. RSN § 49-1430
3. RSN § 49-1415(2)
4. RSN § 49-1415(1), (3)
5. RSN § 49-1446(3), (5)
6. RSN § 49-1446(4), (6), (7)
7. RSN § 49-1479(1)
8. RSN § 49-1479(2)
9. RSN § 49-1469(2)(a)
10. RSN § 49-1469(2)(b)
11. RSN § 49-1469(2)(a)
12. RSN § 49-1469(2)(e)
13. RSN § 49-1469(2)(c)
14. RSN § 49-1471(1)
15. RSN § 49-1472(2)
16. RSN § 49-1473
17. RSN § 49-1475
18. RSN § 49-1477
19. RSN § 49-1471
20. RSN § 49-1474
21. RSN § 49-1419(1)
22. RSN § 49-1430
23. RSN § 49-1419(2)
24. RSN § 49-1419(1), (3)
25. RSN § 49-1446(3), (4)
26. RSN § 49-1446.01
27. RSN § 49-1446.02
28. RSN § 49-1478
29. RSN § 49-1469(1)
30. RSN § 49-1469(2)(a), (b)
31. RSN §§ 49-1413; 49-1445; 49-1446; 49-1449
32. RSN §§ 49-1413, 49-1438
33. RSN § 49-1413
34. RSN §§ 49-1406; 49-1410; 49-1427; 49-1441; 49-1469(e)
35. RSN § 49-1410
36. RSN § 49-1445
37. RSN § 49-1410
38. RSN § 49-1409
39. RSN § 49-1406
40. RSN § 49-1405
41. RSN § 49-1441
42. RSN § 49-1469(a)(3)
43. RSN § 49-1446(1), (3)
44. RSN § 49-1447
45. RSN § 49-1446(2)
46. RSN § 49-1450
47. RSN §§ 49-1413; 49-1449
48. RSN § 49-1451
49. RSN § 49-1453
50. RSN §§ 49-1454; 49-1459
51. RSN § 49-1462
52. RSN § 49-1459
53. RSN § 49-1462(1)
54. RSN § 49-1461
55. RSN § 49-1464(1), (2)
56. RSN § 49-1464(3)
57. RSN § 49-1464(3), (4)
58. RSN § 49-1455
59. RSN § 49-1456
60. RSN § 49-1465(1)
61. RSN § 49-1457(1)-(3)
62. RSN § 49-1457(4)
63. RSN § 49-1456
64. RSN § 49-1465(1)
65. RSN § 49-1458
66. RSN § 49-1467(1)
67. RSN § 49-1428
68. RSN § 49-1467(1)
69. RSN § 49-1468
70. RSN § 49-1469(1), (2)(d)
71. RSN § 49-1469(d)
72. RSN § 49-1469(1)
73. RSN § 49-1469(1)
74. RSN §§ 49-1493; 49-1494
75. RSN § 49-1466
76. RSN § 49-1446.01(1)
77. RSN § 49-14,122
78. RSN § 49-14,124
80. RSN § 49-14,125
81. RSN § 14,126
82. RSN § 49-14,127
83. RSN §§ 49-1446(8); 49-1447; 49-1467(2); 49-1469(3); 49-1471; 49-1472; 49-1473; 49-1474(1); 49-1475; 49-1477; 49-1478; 49-1479(3); 49-14,134
84. RSN § 49-1451
85. RSN § 49-1463
86. RSN §§ 49-1448; 49-14,123
87. RSN § 49-14,129
88. RSN § 49-14,139
89. RSN §§ 49-1449; 49-1464

CAMPAIGN FINANCE LAW
IN NEVADA

I. INTRODUCTION

Nevada requires candidates for state and local office to file pre- and post-election reports of campaign contributions and expenses. Non-candidate persons, including political party committees and political action committees, must file pre- and post-election reports of cumulative expenditures over $500 on behalf of or against a candidate or group of candidates. The secretary of state is responsible for implementing and administering the election campaign practices act.

II. REPORTING REQUIREMENTS

A. Candidate Reports of Campaign Contributions

1. **General Provisions.** Every candidate for state, district, county, city, or township office at a primary election, a general election, or a special election to determine whether a public officer should be recalled and every candidate for a district office at a special election, other than one for the recall of a public officer, must report the total amount of his campaign contributions on affidavit forms designed and provided by the secretary of state [1]. According to the secretary of state, this reporting requirement applies to every candidate for election to an office or as a member of a board or commission that is created by the state constitution or state statute, by a county or municipal ordinance, or by a municipal charter [2]. A candidate must file a report of campaign contributions even though he withdraws his candidacy, receives no campaign contributions, or has no campaign expenses [3].

A "candidate" is a person who files a declaration of candidacy, who files an acceptance of candidacy, or whose name appears on an official ballot at any election [4]. A "person" is any natural person, labor union, committee for political action, committee sponsored by a political party, or corporation [5].

A "contribution" that is required to be reported includes a gift, loan, conveyance, deposit, payment, transfer, or distribution of money or anything of value other than the services of a volunteer and includes the payment by any person other than a candidate of compensation for the personal services of another person that are rendered to a candidate without charge to the candidate [6].

Each contribution, whether from a natural person, association, or corporation, in excess of $500 and contributions that a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period must be identified separately with the name and address of the contributor and the date of the contribution, tabulated, and reported on the affidavit form [7].

The report of campaign contributions must be filed with the officer with whom the candidate filed his declaration of candidacy or acceptance of candidacy. A county clerk who receives a report of campaign contributions from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, must file a copy of the report with the secretary of state [8].

2. **Candidate at a Primary or General Election.** A candidate for state, district, county, city, or township office at a primary or general election must file a report of campaign contributions not later than (1) 15 days before the primary election for the period from the last election for that office up to 20 days before the primary election, (2) 15 days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election, and (3) 30 days after the general election for the remaining period up to the general election [9]. According to the secretary of state, the requirement to report campaign contributions applies with regard to all three reporting periods even though the candidate's name does not appear on the election ballot, he received no contributions or expenditures, he withdrew his candidacy, he lost the primary election, or he had no opposition [10].

3. **Candidate at a Special Election to Recall a Public Officer.** A candidate for state, district, county, city, or township office at a special election to determine whether a public officer should be recalled must file a report of campaign contributions 30 days after the special election for the period from the filing of the notice of intent to circulate the recall petition up to the special election [11].

4. **Candidate for District Office at Non-Recall Special Election.** A candidate for a district office at a special election other than one to determine whether a public officer should be recalled must file a report of campaign contributions not later than 15 days before the special election for the period from his nomination up to 20 days before the special election and 30 days after the special election for the remaining period up to the special election [12].

B. Candidate Reports of Campaign Expenses

1. **General Provisions.** Every candidate for state, district, county, city, or township office at a primary election, a general election, or a special election to determine whether a public officer should be recalled and every candidate for a district office at a special election, other than one for the recall of a public officer, must file a report of his campaign expenses on affidavit forms designed and provided by the secretary of state [13]. According to the secretary of state, this reporting requirement applies to every candidate for election to an office or as a member of a board or commission that is created by the state constitution or state statute, by a county or municipal ordinance, or by a municipal charter [14]. A candidate must file a report of campaign expenses even though he withdraws his candidacy, receives no campaign contributions, or has no campaign expenses [15].

The "campaign expenses" that are required to be reported include all expenditures contracted for or made for advertising on television, radio, bill-boards, or posters and in newspapers and all other expenditures contracted for or made to further directly the campaign for election of the candidate [16].

The report of campaign expenses must be filed with the officer with whom the candidate filed the declaration or candidacy or acceptance of candidacy. A county clerk who receives a report of campaign expenses from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, must file a copy of the report with the secretary of state [17].

2. **Candidate at a Primary or General Election.** A candidate for state, district, county, city, or township office at a primary or general election must file a report of campaign expenses not later than (1) 15 days before the primary election for the period from the last election for that office up to 20 days before the primary election, (2) 15 days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election, and (3) 30 days after the general election for the remaining period up to the general election [18]. According to the secretary of state, the requirement to report campaign expenses applies with regard to all three reporting periods even though the candidate's name does not appear on the election ballot, he received no contributions or expenditures, he withdrew his candidacy, he lost the primary election, or he had no opposition [19].

3. **Candidate at a Special Election to Recall a Public Officer.** A candidate for state, district, county, city, or township office at a special election to determine whether a public officer shall be recalled must file a report of campaign expenses 30 days after the special election for the period from the filing of the notice of intent to circulate the recall petition up to the special election [20].

4. **Candidate for District Office at Non-Recall Special Election.** A candidate for a district office at a special election, other than one to determine whether a public officer should be recalled, must file a report of campaign expenses not later than 15 days before the special election for the period from his nomination up to 20 days before the special election and 30 days after the special election for the remaining period up to the special election [21].

C. **Reports of Independent Expenditures.** A person who advocates the election of a candidate other than himself or the defeat of a candidate other than his opponent or advocates the election or defeat of a group of candidates not including himself or his opponent for national, congressional, state, district, county, city, or township office at a recall, special, primary, or general election and a group of persons, whether formally or informally organized, that advocates the election or defeat of a candidate must report expenditures made on behalf of or against a candidate or group of candidates on forms of affidavit designed and provided by the secretary of state. A "person" is any natural person, labor union, business or voluntary association, committee for political action, committee sponsored by a political party, or corporation [22].

The report must include expenditures made in excess of $500 during the reporting period and expenditures made cumulatively in excess of $500 since the beginning of the first reporting period. The report need not include any contributions that are required to be reported by a candidate. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting, or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of or against a candidate or group of candidates need not be included [23].

The affidavit of expenditures must be filed not later than (1) 15 days before the primary election for the period from the last election for that office to 20 days before the primary election; (2) 15 days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election to 20 days before the general election; and (3) 30 days after the general election for the remaining period until the general election [24].

If the candidate is elected from one county, the report must be filed with the county clerk of that county; otherwise, the report must be filed with the secretary of state. If an expenditure is made on behalf of a group of candidates, the report must be made to the officer appropriate for each candidate, but need not be itemized by candidate. A county clerk who receives a report must file a copy of the report with the secretary of state [25].

III. OFFENSES AND PENALTIES

A. **Violation of Reporting Requirements by a Candidate.** A candidate who willfully violates any of the provisions concerning the reporting of campaign contributions and expenses is guilty of a gross misdemeanor [26].

B. **Violation of Reporting Requirements by a Non-Candidate.** A person who willfully violates any of the provisions concerning the reporting of expenditures made on behalf of or against a candidate, other than by the candidate himself, is guilty of a gross misdemeanor [27].

IV. REGULATORY AGENCIES

A. **Secretary of State.** The secretary of state is authorized to adopt regulations, prescribe forms, and take such other actions as are necessary for implementing and administering the election campaign practices law [28]. The secretary of state is responsible for designing and providing the affidavit forms for reporting campaign contributions and expenses [29]. The secretary of state is the proper officer with whom reports of contributions and expenses are filed by candidates who also file a declaration of candidacy or acceptance of candidacy with the secretary of state [30]. Reports of expenditures by persons other than candidates are filed with the secretary of state, unless the candidate involved is elected from only one county [31]. The secretary of state is required to furnish candidates and others with necessary forms and copies of applicable regulations [32]. If it appears that the campaign reporting provisions have been violated, the secretary must report the alleged violation to the attorney general for prosecution [33].

B. County Clerk. The county clerk is the proper officer with whom reports of contributions and expenses are filed by candidates who also file a declaration of candidacy or acceptance of candidacy with the county clerk [34]. A copy of each report of campaign contributions and expenses filed with a county clerk by a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, must be filed with the secretary of state by the clerk [35]. Reports of expenditures by persons other than candidates are filed with the county clerk if the candidate whose election or defeat is advocated is elected from only one county, and a copy of each report received must be filed with the secretary of state by the clerk [36]. The county clerk is required to furnish candidates and others with necessary forms and copies of secretary of state regulations [37]. If it appears that the campaign reporting provisions have been violated, the county clerk must report the alleged violation to the appropriate district attorney for prosecution [38].

C. Attorney General and District Attorneys. The attorney general is responsible for causing appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay when an alleged violation of the campaign reporting provisions of the election campaign reporting act has been reported to him by the secretary of state. A district attorney is required to take such action when an alleged violation is reported to him by a county clerk [39].

REFERENCES

1. Nevada Revised Statutes (hereafter NRS) § 294A.010
2. Secretary of State, Nevada Election Campaign Practices Act--General Instructions (hereafter General Instructions) 2 (September, 1985)
3. NRS § 294A.031
4. NRS § 294A.005
5. NRS § 294A.009
6. NRS § 294A.007
7. NRS § 294A.010(6)
8. NRS § 294A.010(4), (5)
9. NRS § 294A.010(1)
10. General Instructions 2
11. NRS § 294A.010(3)
12. NRS § 294A.010(2)
13. NRS § 294A.020
14. General Instructions 2
15. NRS § 294A.031
16. NRS § 294A.004
17. NRS § 294A.020(4), (5)
18. NRS § 294A.020(1)
19. General Instructions 2
20. NRS § 294A.020(3)
21. NRS § 294A.020(2)
22. NRS §§ 294A.009; 294A.041(1)
23. NRS § 294A.041(1), (2)
24. NRS § 294A.041(1)
25. NRS § 294A.041(3), (4)
26. NRS §§ 294A.010(7); 294A.020(6)
27. NRS § 294A.041(5)
28. NRS § 294A.060
29. NRS §§ 294A.010; 294A.020; 294A.041(1)
30. NRS §§ 294A.010(4); 294A.020(4)
31. NRS § 294A.041(3)
32. NRS § 294A.065
33. NRS § 294A.080(1)
34. NRS §§ 294A.010(4); 294A.020(4)
35. NRS §§ 294A.010(5); 294A.020(5)
36. NRS § 294A.041(3), (4)
37. NRS § 294A.065
38. NRS § 294A.080(2)
39. NRS § 294A.080

CAMPAIGN FINANCE LAW
IN NEW HAMPSHIRE

I. INTRODUCTION

New Hampshire has set a maximum limit of $5,000 for contributions that may be made by any person to a candidate, political committee, or political party. A corporation, labor union, or partnership is prohibited from making political contributions. A political committee organized in the state may not accept funds from or use the personnel and facilities of a corporation, labor union, or partnership. A candidate for certain state or local offices whose expenditures exceed $500 and a political committee whose receipts or expenditures in support of a candidate, measure, or political party exceed $500 must file periodic statements of receipts and expenditures with the secretary of state. All political committees are required to register with the secretary of state before receiving contributions or making expenditures. The secretary of state is the state officer with responsibility for administering the election laws on political contributions and expenditures.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Receipt and Contribution. A "receipt" that must be reported in a statement of receipts and expenditures is not defined in the provisions on political expenditures and contributions, but presumably is synonymous with contribution. A "contribution" is a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance, or loan to a candidate or political committee made for the purpose of influencing the nomination or election of any candidate. The term "contribution" includes the use of any thing of value, but does not include the services of volunteers who receive no pay or the use of personal resources by a candidate on behalf of his candidacy [1].

B. Contributions From a Corporation, Partnership, or Labor Union. A contribution, whether tangible or intangible, may not be made to or in behalf of a candidate, political committee, or political party, directly or indirectly, for the purpose of promoting the success or defeat of a candidate or political party by (1) a corporation or an officer, director, executive, agent, or employee acting in behalf of a corporation; (2) an organization representing or affiliated with one or more corporations or an officer, director, executive, agent, or employee acting in behalf of the organization; (3) a partnership or partner acting in behalf of the partnership; (4) a labor union or group of labor unions or an officer, director, executive, agent, or employee acting in behalf of the union or group of unions; or (5) an organization representing or affiliated with a union or group of unions or an officer, director, executive, agent, or employee acting in behalf of the organization [2].

Because of the prohibition on contributions by a corporation, partnership, or labor union, a political committee organized in the state, according to the state attorney general, may not utilize corporate or labor union funds to defray administative costs nor may they utilize corporate or union facilities or personnel in carrying out their activities. The attorney general has also determined that a national political action committee organized outside the state cannot make a political contribution directly to persons running for state office in New Hampshire if it has accepted corporate or labor union funds to defray administrative expenses; however, it may make contributions to a third party, such as a national political party, that in turn could make contributions to New Hampshire candidates as long as the third party does not accept funds from unions or corporations to defray its own administrative expenses and exercises complete control over any funds contributed [3].

The prohibition on contributions by a labor union and its officers, directors, executives, agents, and employees has been interpreted to permit the establishment and participation in state elections by political committees funded and controlled by the individual members of a union [4].

C. Contributions From a Person. No person is permitted to make a contribution, whether tangible or intangible, to or on behalf of a candidate, political committee, or political party, directly or indirectly, for the purpose of promoting the success or defeat of a candidate or political party if it (1) is in excess of $5,000 in value, except for contributions made in behalf of his own candidacy; (2) is made anonymously or under a name not that of the donor; (3) is made in the guise of a loan; (4) is in any other manner concealed; or (5) is made without the knowledge and written consent of or is not made to a candidate or his fiscal agent or to a political committee or its treasurer [5].

D. Receipt of Contributions by a Non-Party Political Committee. A political committee, other than a political committee of a political party, may not receive contributions until it has registered with the secretary of state and the written consent of the candidate or his fiscal agent has been secured if the committee has been organized to support a candidate [6]. No member of the political committee may act, directly or indirectly, on behalf of the committee to promote the success or defeat of a political party, measure, or candidate until the registration statement is filed [7]. The treasurer of a political committee must receive all money handled by the committee [8].

E. Solicitation of Contributions From a Classified State Employee. No person may knowingly coerce or solicit or attempt to coerce or solicit any classified state employee to make a contribution to any political campaign or political committee or to any candidate, party, or cause for the purpose of promoting the success or defeat of any candidate or political party [9].

F. Social Activities. Outings, dinners, and social affairs conducted by political committees, clubs, and others at which each person attending pays a sum approximating closely the cost of his own food, sustenance, or entertainment are not, as to the payments and disbursements therefrom, deemed to be reportable or limited receipts or expenditures [10].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is a disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future. It does not include a candidate's filing fee or expenses for personal travel and subsistence [11].

B. Non-Party Political Committee Expenditures. No expenditure or use of a contribution, tangible or intangible, may be made by a political committee, other than a political committee of a political party, for the purpose of promoting the success or defeat of any political party, measure, or candidate unless the committee has filed a registration statement with the secretary of state and, if the political committee has been organized to support a candidate in an election, the committee has secured and filed the written consent of the candidate or his fiscal agent with the secretary of state [12]. No member of the political committee may act, directly or indirectly, on behalf of the committee to promote the success or defeat of a political party, measure, or candidate until the registration statement is filed [13]. Only the treasurer of the committee may pay out money handled by the committee [14].

C. Making or Permitting Unlawful Expenditures. A member of a political committee may not make, permit, consent to, or aid, abet, or conspire to make or permit any unlawful expenditure or act by the committee, in whole or in part [15].

D. Reporting and Approval of Candidate-Related Expenditures. All sums expended or contracted for payment in a primary or general election campaign in behalf of a candidate must be reported by the candidate, his political committee, or both to the candidate's fiscal agent, and the candidate or his fiscal agent must make or approve all disbursements in behalf of the candidate subsequent to the designation of the fiscal agent [16].

E. Approval of Political Advertising for a Candidate. A person or corporation publishing a newspaper or periodical, selling billboard space, or operating a radio or television station or public address system may not publish, print, or broadcast any political advertising by or in behalf of a candidate in an election unless it has been signed by or authorized in writing by the candidate or his fiscal agent [17].

F. Expenditures for Political Advertising. No expenditure or use of a contribution, tangible or intangible, may be made for the purpose of promoting the success or defeat of a political party, measure, or candidate by any person, candidate, or political committee for political advertising in a newspaper or periodical, on a radio or television broadcast, or on a billboard if at a rate more or less than the applicable rates required to be filed with the secretary of state [18].

No expenditure or use of a contribution, tangible or intangible, may be made for the purpose of promoting the success or defeat of a political party or candidate by or on behalf of a candidate, political committee, or political party for advertising space in the printed programs for meetings or conventions of business, labor, agricultural, veteran, religious, or fraternal organizations; lodges; secret societies; clubs; schools; fairs; or similar groups [19].

IV. REPORTING REQUIREMENTS

A. Statements of Receipts and Expenditures

1. General Provisions. A candidate for certain state and local offices whose expenditures exceed $500 and a political committee whose receipts or expenditures in support of a candidate, measure (i.e., a constitutional amendment or question), or political party exceed $500 must file periodic itemized statements of receipts and expenditures with the secretary of state [20].

Statements must be filed with the secretary of state both before and after an election, which includes a political party primary (except a presidential preference delegate primary), a general biennial election, and a special election [21]. If receipts or expenditures in the case of a political committee or expenditures in the case of a candidate do not exceed $500 for a reporting period, a statement need not be filed; however, when accumulated receipts or expenditures, as appropriate, for an election exceed $500, a statement must be filed at the next reporting deadline [22].

The first itemized statement must show each receipt exceeding $25, with the full name and post office address of each contributor in alphabetical order, the amount of the contribution, and the date it was received. All receipts of $25 or under are to appear on the statement as unitemized receipts. Any listing exceeding $100 must be accompanied by the contributor's occupation and principal place of business, if any. The statement must also show each expenditure, with the full name and address of the persons, corporations, committees, or whomever paid or to be paid, the date paid, and the specific nature and amount of each expenditure since the date of the committee registration or statement of receipts and expenditures, whichever is later. The statement must be filed not later than 5 p.m. on the Wednesday 3 weeks immediately preceding an election and cover the period ending on the Monday before the statement is due. For a political committee, the reporting period begins on the day of the committee registration with the secretary of state or the first day covered in the statement, whichever is later [23].

A second itemized statement in the same form as the first must be filed not later than 5 p.m. on the Wednesday immediately preceding an election. This report must summarize the first period and itemize all receipts and expenditures since the cutoff date of the first statement until the Monday preceding the filing of the second report [24].

A third itemized statement in the same form as the first, summarizing the periods of the first and second statements and itemizing all receipts and expenditures since the cutoff date of the second report, must be filed not later than 5 p.m. on the second Friday after the election [25].

If a candidate or political committee has any outstanding debt, obligation, or surplus following election, reports must be filed at least once every 6 months thereafter in the same form as the initial statement until the obligation or indebtedness is entirely satisfied or the surplus depleted, at which time a final report must be filed [26].

2. Candidates. A candidate, that is, a person publicly declared as such and for whom votes are sought in an election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding $500 must file the required statements of receipts and expenditures; however, a candidate is not required to report the expenditures of political committees of the political party to which the candidate belongs in elections other than primaries [27]. The candidate's fiscal agent must join with the candidate in making and filing the statements [28].

3. Political Committees. A political committee whose receipts or expenditures in support of a candidate, measure, or political party exceed $500 must file the required statements of receipts and expenditures, which must be signed by the chairman and treasurer of the committee [29].

A "political committee" is any organization of two or more persons to influence elections or measures, including a state, county, city, ward, or town committee of a political party [30].

A political committee must have a treasurer, who is required to be a citizen of the state, to receive and pay out all money handled by the committee. If there is no treasurer or if he fails to make a report, it is the duty of each committee member who received or paid out any money in behalf of the committee to make the report or to cause the same to be made [31].

4. Political Party State Committees. Copies of a statement of receipts and expenditures of the state committee of a political party must be filed with the secretary of state in sufficient numbers in order to provide a copy for the state committee of each political party on the ballot [32].

5. National Political Party Committees. A national political party committee may make contributions or expenditures on behalf of state candidates without complying with the requirements for filing statements of receipts and expenditures if the total contributions or expenditures made in behalf of a candidate or political committee in the state, directly or indirectly, does not exceed the $5,000 limit for contributions by any person [33].

6. Political Committees for Federal Office Candidates. A political committee for an individual candidate seeking a federal office whose holder is chosen only by the voters of the state that is required by federal law to file reports with the federal government relative to receipts and expenditures in support of the individual candidate may choose, at the time of registering, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws in lieu of complying with the other state requirements for reporting receipts and expenditures [34].

B. Notification of Large Late Contribution. In addition to any other requirements for the reporting of receipts and expenditures, the secretary of state must be notified by the fiscal agent of a political committee or candidate within 24 hours of any contribution that is received after the second statement of receipts and expenditures has been filed and prior to the day of the election [35].

C. Registration Statement of a Non-Party Political Committee. A political committee, except the political committee of a political party, must register with the secretary of state before receiving any contribution or making any expenditures. No member of a political committee, except a member of a political committee of a political party, may do any act, directly or indirectly, on behalf of the committee to promote the success or defeat of a political party, a measure, or a candidate until a registration statement is filed [36].

Prior to the election for which a political committee has been organized, the committee must file with the secretary of state a statement of the purpose of the committee and the name, address, occupation, and principal place of business of its chairman, treasurer, and other officers. A political committee's registration is valid from the date of registration until 10 days after the primary or general election, whichever is appropriate, unless terminated sooner in writing by the chairman and the treasurer of the committee; however, a committee that has a continuing obligation to report receipts and expenditures must continue to exist for the purpose of making the reports [37].

D. Candidate Consent to Political Committee. A political committee organized to support a candidate in any election must secure the written consent of the candidate or his fiscal agent before it receives contributions or makes expenditures. The written consent must be filed with the secretary of state when the registration statement for the committee is filed [38].

E. Designation of Fiscal Agent by Certain Candidates. As part of the declaration of candidacy filed by a candidate for governor, councilor, state senator, or county officer and other primary candidacies, the candidate is required to designate a person, who may be the candidate himself, as his financial agent for the purpose of the primary and general election campaign. If the candidacy for the office is established by a primary petition or nomination petitions, the name of the fiscal agent for the candidate must be filed with the petitions [39].

V. OFFENSES AND PENALTIES

A. Enforcement Procedure. Any candidate or voter may make a written complaint to the attorney general of any violation of the law on political expenditures and contributions (Chapter 664). It is the duty of the attorney general or his designee to investigate the complaint. Following the investigation, if the attorney general determines there has been a violation, he is empowered to issue an order requiring the violator to cease and desist from his violation and to prosecute to final judgment through his designee if sufficient cause for prosecution is found [40]. It is also the duty of the attorney general to examine the returns of election receipts and expenditures that are made to the secretary of state and to compel the returns to be made in compliance with the law [41].

B. Criminal Penalty for Violations. A person who violates any provision of the chapter of the election laws on political expenditures and contributions (Chapter 664) is guilty of a misdemeanor if a natural person or a felony if any other person [42].

C. Denial of Nomination or Election. A candidate is not entitled to the nomination or election until the sworn, itemized statements required to be filed by him or in his behalf have been filed [43].

VI. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is the officer with whom required reports are to be filed, including statements of receipts and expenditures, political committee registration statements, and candidate consents to political committee support [44]. The secretary of state is required to give or send by mail a copy of the chapter of the election laws on political expenditures and contributions to each person whose name will be printed on a state primary or general election ballot. The notification must be given or sent within 5 days of the close of the filing period [45].

B. Attorney General. The attorney general is responsible for investigating complaints of violations of the political expenditures and contributions law, issuing cease and desist orders to violators, and prosecuting violators through his designee [46]. He is also required to examine returns of election receipts and expenditures and to compel compliance with the law [47].

REFERENCES

1. New Hampshire Revised Statutes Annotated (hereafter NHRSA) § 664:2(VIII);
2. NHRSA § 664:4(I)-(III)
3. Opinions of the New Hampshire Attorney General (June 15, 1982)
4. U.A.W. Local 1913 Voluntary P.A.C. v. Gardner, No. 80-230-L (D.N.H.)
5. NHRSA § 644:4(V)
6. NHRSA § 664:3(I), (III)
7. NHRSA § 664:3(I), (II)
8. NHRSA § 664:13
9. NHRSA § 664:4-a
10. NHRSA § 664:10
11. NHRSA § 664:2(IX)
12. NHRSA §§ 664:3(I), (III); 664:5(I), (II)
13. NHRSA § 664:3(I), (II)
14. NHRSA § 664:13
15. NHRSA § 664:13
16. NHRSA § 664:12
17. NHRSA § 664:15
18. NHRSA § 664:5(III); see also § 664:16
19. NHRSA § 664:5(IV)
20. NHRSA §§ 664:2(X); 664:6; 664:7
21. NHRSA §§ 664:1; 664:2(I); 664:6; 664:7
22. NHRSA §§ 664:6(IV); 664:
23. NHRSA §§ 664:6(I); 664:7
24. NHRSA §§ 664:6(II); 664:7
25. NHRSA §§ 664:6(III); 664:7
26. NHRSA §§ 664:6(V); 664:7
27. NHRSA §§ 664:2(II); 664:7
28. NHRSA § 664:12
29. NHRSA § 664:6(I)
30. NHRSA § 664:2(III), (V)
31. NHRSA § 664:13
32. NHRSA § 664:6(VI)
33. NHRSA §§ 664:6(VII); 664:4(V)
34. NHRSA § 664:6(VII)
35. NHRSA §§ 664:6(II); 664:7
36. NHRSA § 664:3(I), (II)
37. NHRSA § 664:3(I), (IV)
38. NHRSA § 664:3(III)
39. NHRSA § 664:12
40. NHRSA § 664:18(I), (II)
41. NHRSA § 664:19
42. NHRSA § 664:21
43. NHRSA § 664:9
44. NHRSA §§ 664:3; 664:6; 664:7
45. NHRSA § 664:22
46. NHRSA § 664:18
47. NHRSA § 664:19

CAMPAIGN FINANCE LAW
IN NEW JERSEY

I. INTRODUCTION

New Jersey requires candidates, political committees, and e continuing political committees (including political party committees) to file periodic cumulative reports of contributions and expenditures if the threshold amounts of contributions and expenditures are exceeded. The periodic reports are not required if the total amount expended on behalf of a candidacy does not exceed $2,000; however, aggregate contributions over $100 still must be reported by a candidate. Independent expenditures by an individual or group must be reported if the total expenditures exceed $1,000 for or against a candidate or $2,500 for or against a public question. A maximum expenditure limit has been established for candidates for governor: 35¢ per voter in a primary election and 70¢ per voter in a general election. Banking, insurance, and public utility or transportation corporations, corporations that are public franchisees, and casinos may not make contributions to candidates or political organizations. Partial public funding of primary and general election campaigns for governor is provided from the gubernatorial election fund. Taxpayers may designate $1 from income taxes paid ($2 in the case of a joint return) for credit to the fund. The New Jersey election law enforcement commission is responsible for enforcement of the Campaign Contributions and Expenditures Reporting Act.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" includes all loans and transfers of money or other thing of value to or by any candidate, political committee, or continuing political committee and all pledges or other commitments or assumptions of liability to make any such transfer. For the purpose of required reports, a contribution is deemed to have been made on the date when the commitment is made or liability assumed [1]. The term "other thing of value" means any item of tangible or intangible real or personal property, but does not include personal services other than paid personal services [2].

B. Contributions From Unidentified Sources or Intermediaries. No contribution of money or other thing of value or obligation therefor may be made and no expenditure of money or other thing of value or obligation therefor may be made or incurred anonymously, in a fictitious name, or by one person or group in the name of another to support or defeat a candidate in an election, to aid the passage or defeat of public question, to provide political information on a candidate or public question, or to seek to influence the content, introduction, passage, or defeat of legislation [3].

Any anonymous contribution received by a campaign treasurer or deputy campaign treasurer may not be used or expended, but must be returned to the donor if his identity is known, and if no donor is found, the contribution escheats to the state; however, contributions or purchases made in response to a lawful public solicitation are not considered to be anonymous [4].

No person may contribute funds or property that does not actually belong to him and is not in his full custody and control or that has been given or furnished to him by any other person or group for the purpose of making a contribution, except in the case of group contributions by persons who are members of the contributing group. A treasurer, candidate, or member of a political committee or continuing political committee may not solicit or knowingly accept, agree to accept, or concur in or abet the solicitation or acceptance of a contribution from other than the actual, identified source [5].

C. Gubernatorial Inaugural Fund-Raising. No person, candidate or political committee otherwise eligible to make political contributions may make any contribution of over $250 in the aggregate for the purpose of a gubernatorial inaugural fund-raising event. The person or committee sponsoring the event must make a full report of all contributions and expenditures with respect to the event within 45 days following the event [6].

D. Public Solicitation

1. Authorized Solicitation. No person may conduct a public solicitation except upon written authorization of the campaign or organizational treasurer of the candidate, political committee, or continuing political committee on whose behalf the solicitation is conducted or in accordance with the provisions concerning an independent public solicitation [7]. A "public solicitation" is any activity by or on behalf of a candidate, political committee, or continuing political committee whereby members of the general public are personally solicited (1) for cash contributions not exceeding $20 contributed on the spot or through a receptacle provided for the purpose of depositing contributions or (2) for the purchase of merchandise not exceeding $20 per item paid on the spot in cash [8]. A person with written authorization may employ and accept the services of others as solicitors and is responsible for delivery to the treasurer of the net proceeds of the solicitation and for reporting to the treasurer the information needed for inclusion in a report of contributions and expenditures if the net proceeds exceed $100 [9].

2. Independent Solicitation. An individual not acting in concert with any other person or group personally may make a public solicitation the entire proceeds of which, without deduction for the expenses of solicitation, are to be expended by him personally or under his personal direction to finance any lawful activity in support of or opposition to any candidate or public question, to provide political information on any candidate or public question, or to seek to influence the content, introduction, passage, or defeat of legislation; however, if gross contributions exceeding $100 in respect to activities relating to any one election are received, the individual must report the amount collected, the method of solicitation, the purposes for which the funds collected were expended, and the amount expended for each purpose. The report must be made either to the treasurer (or his deputy) of the candidate, political committee, or continuing political committee on whose behalf the funds were collected and expenditures made or directly to the election law enforcement commission at the same time and in the same manner as a political committee or continuing political committee [10].

E. Corporate Contributions. No corporation that carries on the business of a bank, savings bank, co-operative bank, trust, trustee, savings indemnity, safety deposit, insurance, railroad, street railway, telephone, telegraph, gas, electric light, heat or power, canal or aqueduct company or that has the right to condemn land or to exercise franchises in public ways granted by the state or any county or municipality or a corporation, person, or trustee owning or holding the majority of stock in such a corporation may pay or contribute money or anything of value in order to aid or promote the nomination or election of any person or the interests, success, or defeat of any political party [11]. This prohibition was not intended to prevent the establishment of a separate political fund contributed to voluntarily by members of a political action committee; however, a bank's corporate funds may not be used to establish, administer, or solicit contributions for the political fund [12].

No insurance corporation or association doing business in the state may, directly or indirectly, pay, use, or offer, consent, or agree to pay or use any money or property (1) for or in aid of any political party, committee, organization, or corporation; (2) for or in aid of any candidate for political office or for nomination for such office; (3) for any political purpose whatsoever; or (4) for the reimbursement or indemnification of any person for money or property so used; however, insurance companies may be involved in public referenda [13].

F. Casino Contributions. A casino license applicant or holder, as well as any holding, intermediary, or subsidiary company or officer, director, casino key employee, or principal employee, may not directly or indirectly pay or contribute any money or thing of value to any candidate for public office, political party committee, or group, committee, or association organized in support of a candidate or political party [14].

G. Solicitation of Candidates. No person may demand, solicit, ask, or invite (1) a candidate for nomination or election to pay or contribute to any religious, charitable, or other cause or organization supposed to be primarily for the public good or (2) a candidate for nomination or election to public office or party position to subscribe for the support of any club or organization, to buy tickets to any entertainment or ball, or to pay for space in any book, program, periodical, or publication, with certain exceptions [15].

H. Payments in Name of Actual Payer. No person may make any payment of his money or any other person's money in connection with any nomination or election in any other name than that of the person who actually supplied the money, and no person may knowingly receive the money or thing of value and enter it in his accounts or deposit it in any bank or trust company in any name other than the name of the person who actually supplied the money [16].

I. Contributions and Payments in Compliance With Election Laws. No person may pay, lend, contribute, or offer or agree to pay, lend, or contribute any money or other valuable consideration to or for any person for doing or procuring to be done any act forbidden by the laws relating to primary or general elections or for any purpose in contravention of the election laws [17]. No party committee or organization, committee of any group of petitioners, or other person may expend any money in aid of any candidate for public office except as otherwise provided in the election laws [18].

J. Services of Aides of a Public Office Holder. If any candidate is a holder of a public office to whom there is attached or assigned, by virtue of such office, any aide or aides whose services are of a personal or confidential nature in assisting him to carry out the duties of his office and whose salary or other compensation is paid in whole or in part out of public funds, the services of aides that are paid out of public funds must be for public purposes only; however, the aides may contribute their personal services on a voluntary basis to such candidate for election campaign purposes [19].

K. Contributions in Currency. No contribution of money may be made in currency except contributions in response to a public solicitation; however, cumulative currency contributions of up to $100 may be made to a candidate, political committee, or continuing political committee if the contributor submits with the currency contribution a written statement, on a form prescribed by the election law enforcement commission, indicating his name and address and the amount of his contribution and including his signature [20].

L. Demand of Contributions by Holders of Public Office or Position. No holder of a public office or position may demand a payment or contribution from another holder of public office or position for the campaign purposes of any candidate or for the use of any political party [21].

M. Solicitation or Receipt of Contributions by Vocational Rehabilitation Personnel. No officer or employee engaged in the administration of the vocational rehabilitation and independent living rehabilitation programs may solicit or receive, nor is such officer or employee obliged to contribute or render, any service, assistance, subscription, assessment, or contribution for any political purpose [22].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" includes all loans and transfers of money or other thing of value to or by any candidate, political committee, or continuing political committee and all pledges or other commitments or assumptions of liability to make any such transfer. For the purpose of required reports, an expenditure is deemed to have been made on the date when the commitment is made or liability assumed. The term "other thing of value" means any item of tangible or intangible real or personal property, but does not include personal services other than paid personal services [23].

B. Maximum Expenditure Limit for Candidate for Governor. The amount spent in aid of the candidacy of any qualified candidate for governor at any election may not exceed 35¢ in a primary election and 70¢ in a general election for each voter who voted in the last preceding general election in a presidential year; however, the limit does not include sums for traveling expenses of the candidate or of any person other than the candidate who voluntarily pays the traveling expenses without expectation of repayment by the candidate [24].

C. Political Party Expenditures. After a primary but not before, a state, county, or municipal committee of any political party may receive and expend funds in furtherance and in aid of the candidacy of any one or more of the candidates of the party [25]. A state, county, or municipal political party committee or organization may not expend any money to aid a candidate for election as a delegate at any national convention, election to any party position, or for nomination for public office as a candidate of a political party [26].

D. Payment for Political Advertising. No person may give or agree to give for the purpose of promoting, procuring, opposing, or preventing the nomination or election of a candidate for public office any money or any valuable thing to be used to provide for the payment for (1) the insertion in any newspaper or magazine of any article tending to influence any person to give or refrain from giving his vote to any candidate, (2) the distribution of any newspaper or magazine wherein such article is printed, or (3) the printing or distribution of any circular, handbill, card, pamphlet, or statement tending to influence any person to give or refrain from giving his vote to any candidate; however this prohibition does not prohibit the printing and distribution of paid advertising, circulars, handbills, cards, pamphlets, or statements that identify the name and address of the persons paying for the printing and distribution [27].

IV. REPORTING REQUIREMENTS

A. Scope of Campaign Contributions and Expenditures Reporting Act. The New Jersey Campaign Contributions and Expenditures Reporting Act applies in any election for public office of the state or any political subdivision and in any election at which a public question is to be voted upon by the voters of the state or any political subdivision. The Act does not apply to elections for party office; however, an individual seeking party office who makes or authorizes an expenditure on behalf of a candidate must provide immediate written notification of the expenditure to the candidate [28].

A candidate seeking election to a public office of a school district is not obligated to file most of the reports, statements, and notices required under the Act (i.e., cumulative reports of contributions and expenditures, certification of winding up of business, sworn statement that expenditures will not exceed $2,000 in the aggregate, and notification of designation of campaign treasurer and depository) and is exempted from certain other provisions relating to the use of a campaign treasurer and depository if the total amount expended and to be expended in behalf of his candidacy by the candidate or any political committee, continuing political committee, or person does not exceed $2,000 in the aggregate [29].

The Act also does not apply to activities conducted solely for the purpose of determining whether an individual will become a candidate ("testing the waters"). Funds or other benefits received and payments made solely for the purpose of "testing the waters" are not considered to be "contributions" or "expenditures" that are required to be reported. Activities included under this exemption include, for example, expenses incurred for conducting a poll, telephone calls, and travel to determine whether an individual should become a candidate. Records of such funds received and payments made should be kept because the funds and payments are subject to the Act as reportable contributions and expenditures if the individual subsequently becomes a candidate [30].

B. Definitions. Under the state election code, including the New Jersey Campaign Contributions and Expenditures Reporting Act, there are several definitions of key terms used that must be understood for a full appreciation of the provisions and requirements of the Act:

A "candidate" is an individual seeking or having sought election to a public office of the state or of any county, municipality, or school district at an election. The term does not include an individual seeking party office [31].

A "continuing political committee" is:

(1) the state, county, or municipal committee of a political party; or

(2) any group of two or more persons acting jointly, corporation, partnership, or other incorporated or unincorporated association including a political club, political action committee, civic association, or other organization, that in any calendar year contributes or expects to contribute at least $2,500 to the aid or promotion of the candidacy of one or more individuals for elective public office or the passage or defeat of one or more public questions and that may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election (i.e., subsequent calendar year) if the group, corporation, partnership, association, or organization has been determined to be a continuing political committee by the election law enforcement commission [32].

An "election" is an election for any public office of the state or any political subdivision or at which a public question is to be voted upon by the voters of the state or any political subdivision [33]. "Any election," as used in the election code, includes all primary, general, municipal, and special elections [34].

"Election-related activity" is election activity related to a candidate for public office in the state or its political subdivisions or to a public question submitted to the voters of the state or its political subdivisions and includes without limitation (1) contributions to candidates, (2) expenditures for fund-raising, (3) expenditures on behalf of candidates, and (4) other related political expenditures [35].

"Paid personal services" are personal, clerical, administrative, or professional services of every kind and nature, including, without limitation, public relations, research, legal, canvassing, telephone, speech writing, or other such services, performed other than on a voluntary basis, the salary, cost, or consideration for which is paid, borne, or provided by someone other than the committee, candidate, or organization for whom such services are provided [36].

A "party office" is the office of delegate or alternate to the national convention of a political party or member of the state, county, or municipal committees of a political party [37].

A "political committee" is any two or more persons acting jointly, corporation, partnership, or other incorporated or unincorporated association that is organized to and does aid or promote the nomination, election, or defeat of one or more candidates for public office or that is organized or does aid or promote the passage or defeat of a public question in any election if the persons, corporation, partnership, or association raises or expends $1,000 or more to so aid or promote the nomination, election, or defeat of one or more candidates or the passage or defeat of a public question [38]. The term "political committee" does not include a "continuing political committee," but does include a political club that is organized to promote the candidacy or one or more candidates or to aid or defeat the passage of a public question and does not have a term of existence substantially longer than the campaign [39].

The election law enforcement commission considers a "political committee" to be any group of two or more persons acting jointly, corporation, partnership, or other incorporated or unincorporated association that (1) raises or expends $1,000 or more in election-related activity in a calendar year and (2) has not been determined to be a continuing political committee by the commission; however, if the only election-related activity is the making of contributions with respect to a candidate or public question, the aggregate amount of contributions in a calendar year must exceed $10,000 [40].

A "political party" is a party that at the election held for all of the members of the state general assembly next preceding the holding of a primary election polled for members of the general assembly at least 10% of the total vote cast in the state [41].

A "public office" includes any office in the government of the state or any of its political subdivisions filled at elections by the electors of the state or political subdivision [42].

A "public question" includes any question, proposition, or referendum required by the legislative or governing body of the state or any of its political subdivisions to be submitted by referendum procedure to the voters of the state or political subdivision for decision at elections [43].

C. Designation of Treasurer and Depository

1. General Provisions. Each candidate; state, county, and municipal committee of a political party; political committee; and continuing political committee is required to appoint a single treasurer and designate one depository and file the name and address of each with the election law enforcement commission [44].

The designated treasurer may appoint deputy treasurers as may be required and may designate additional depositories. The names and addresses of additional deputy treasurers and depositories must be filed with the election law enforcement commission. Treasurers and deputy treasurers may be removed by the candidate or committee. In the case of death, resignation, or removal of a treasurer, a successor must be appointed as soon as practicable, and his name and address must be filed with the commission within 3 days [45].

No contribution of money or other thing of value or obligation therefor (including contributions, loans, or obligations of a candidate himself or of his family) may be made or received and no expenditure of money or other thing of value or obligation therefor (including expenditures, loans, or obligations of a candidate himself or his family) may be made or incurred, directly or indirectly, to support or defeat a candidate in any election or to aid the passage or defeat of any public question except through the duly appointed treasurer or deputy treasurers [46].

A treasurer or deputy treasurer of a candidate, political committee, or continuing political committee must make a written record of all funds that he receives as contributions to the candidate or committee, including the name and address of the contributor and the amount and date of the contribution. The record must be retained for not less than 4 years. All funds received as contributions must be deposited by the treasurer or deputy treasurer in a designated depository in an account designated as "Campaign Fund of (name of candidate or committee)" no later than the 10th day following the receipt of the funds. When authorized by the candidate or committee of which he is the treasurer or deputy treasurer, the treasurer or deputy treasurer may transfer contributed funds to the duly designated treasurer or deputy treasurer of another candidate or committee for inclusion in its campaign fund without first depositing the funds [47].

2. Candidates. Each candidate in an election must appoint one campaign treasurer, who may appoint deputy campaign treasurers as required. The candidate must also designate one campaign depository, which may be any bank authorized by law to transact business in the state, and the campaign treasurer may designate additional depositories in each county in which the campaign is conducted. Notification of the appointment of the campaign treasurer and designation of the campaign depository must be made by the candidate's filing the name and address of the treasurer and depository with the election law enforcement commission no later than the 10th day after receipt by the candidate or by any political committee or continuing political committee that he has authorized to act in his behalf of any contribution on behalf of his candidacy or after the making or incurring by the candidate or committee of any expenditure on behalf of his candidacy, whichever comes first. The candidate is also required to file the names and addresses of deputy campaign treasurers and additional campaign depositories with the commission [48].

3. Political Party Committees. Each state, county, and municipal committee of a political party must designate a single organizational treasurer and an organizational depository on or before July 1st in each year and must file the name and address of the designated treasurer and depository with the election law enforcement commission not later than the 10th day after the designation of the organizational depository. The organizational treasurer may appoint deputy organizational treasurers as may be required and may designate additional organizational depositories. The party committee is required to file the names and addresses of deputy treasurers and additional depositories with the commission not later than the 5th day after their appointment or designation, as appropriate [49].

4. Political Committees. Each political committee must appoint a single campaign treasurer and designate a campaign depository not later than the date on which the committee first receives any contribution or makes or incurs any expenditure in the furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question. The committee must file the name and address of the treasurer and depository with the election law enforcement commission not later than the 10th day after the initial designation of the campaign depository. The campaign treasurer may appoint deputy campaign treasurers as may be required and may designate additional campaign depositories. The political committee must file the names and addresses of deputy treasurers and additional depositories not later than the 5th day after their appointment or designation, as appropriate [50].

5. Continuing Political Committees. Each continuing political committee must appoint a single organizational treasurer and designate an organizational depository not later than the date on which the committee first receives any contribution or makes or incurs any expenditure in the furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question. The committee must file the name and address of the treasurer and depository with the election law enforcement commission not later than the 10th day after the initial designation of the organizational depository. The organizational treasurer may appoint deputy organizational treasurers as may be required and may designate additional organization depositories. The continuing political committee must file the names and addresses of the deputy treasurers and additional depositories not later than the 5th day after their appointment or designation, as appropriate [51].

D. Certification by Potential Continuing Political Committee. A group of two or more persons acting jointly or any corporation, partnership, or other incorporated or unincorporated association, including a political club, political action committee, civic association, or other organization, that in any calendar year contributes or expects to contribute at least $2,500 to the aid or promotion of the candidacy of one or more individuals for elective public office or the passage or defeat of one or more public questions and that expects to make contributions toward such aid or promotion or such passage or defeat during a subsequent election (i.e., during a subsequent calendar year) must certify that fact to the election law enforcement commission [52].

The certification is not required to be filed by (1) a political party committee or (2) a "continuing political committee" that makes or expects to make election-related expenditures in a calendar year that are not more than 20% of its total expenditures, that has not undertaken any election-related activity other than making contributions to candidates, and whose aggregate contributions to candidates in any calendar year do not exceed $10,000 [53].

Upon receipt of the certification and upon the basis of any information as it may require, the election law enforcement commission must determine whether the group, corporation, partnership, association, or other organization is a continuing political committee for the purposes of the Campaign Contributions and Expenditures Reporting Act. If the commission determines that the group, corporation, partnership, association, or organization is a continuing political committee, it is required to so notify that continuing political committee [54].

E. Reports of Contributions and Expenditures

1. Candidates. Each campaign treasurer of a candidate is required to file periodic cumulative reports of contributions and expenditures with the election law enforcement commission [55].

Reports of contributions and expenditures on behalf of a candidate do not have to be filed if the candidate files with the commission a sworn statement to the effect that the total amount to be expended on behalf of his candidacy by the candidate or any party committee (continuing political committee rather than a party committee in the case of a school district office candidate), political committee, or person will not in the aggregate exceed $2,000; however, if the candidate later receives contributions from any one source aggregating more than $100, he forthwith must make a report of the contributions, including the identity of the source and aggregate total of contributions from the source, to the commission. The sworn statement for a reporting exemption must be submitted when the name and address of the campaign treasurer and depository are filed with the commission, but in no case later than the 29th day before the election [56].

A political committee or continuing political committee (except a political party committee for a primary election) may assume the debt obligations of a candidate for the purposes of reporting campaign contributions and expenditures. If all expenditures and receipts on behalf of a candidate that are required to be reported are conducted by and through a political committee or continuing political committee that is required to file campaign financial reports, the candidate may authorize that committee to be his agent by filing with the election law enforcement commission a certificate of that authorization. The certificate must provide for designation by the candidate for the purposes of making cumulative reports of contributions and expenditures and generally identify and be signed by the candidate and the chairman and treasurer of the committee. Upon the filing of the certificate of authorization and until the authorization is revoked in writing by the candidate, the committee must file the campaign financial reports that the campaign treasurer of the candidate would otherwise be required to file [57]. If a continuing political committee assumes the reporting obligations of a candidate, the commission requires the committee to establish a campaign depository, which must be maintained separately from its organizational depository, and to file campaign financial reports on behalf of its campaign depository in addition to the quarterly reports on behalf of its organizational account [58].

The report of a campaign treasurer of a candidate must include all contributions in the form of monies, loans, paid personal services, or other things of value made to him or to the deputy campaign treasurers of the candidate and all expenditures paid out of the campaign fund of the candidate during the period ending with the 2nd day preceding the date of the cumulative report and beginning on the date of the first of those contributions, the date of the first of those expenditures, or the date of the appointment of the campaign treasurer, whichever occurred first. The report must also contain the name and address of each person or group from whom monies, loans, paid personal services, or other things of value were contributed after the 2nd day preceding the date of the previous cumulative report and the amount contributed by each person or group. In the case of any loan reported, the report must also contain the name and address of each person who co-signs the loan. The campaign treasurer and the candidate are required to certify the correctness of the report [59].

In any report filed, the names and addresses of contributors whose contributions during the period covered by the report did not exceed $100 may be excluded; however, this exclusion is not permitted with respect to a contributor if any person responsible for the preparation or filing of the report knows that the contributor's total contributions relating to the same election and made to the reporting candidate or to allied campaign organizations aggregate more than $100 [60]. An itemized accounting of all receipts and expenditures relating to any testimonial affair held since the date of the most recent report filed, including the name and address of each contributor of in excess of $100 and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of the testimonial affair must be included in the report [61].

The campaign treasurer must file a cumulative campaign report of contributions and expenditures on the 29th day preceding the election, on the 11th day preceding the election, and on the 20th day following the election [62].

Cumulative reports of contributions and expenditures are filed with the election law enforcement commission, and in the case of an election of a candidate for an office elected by a municipal or county-wide constituency or a school district, a duplicate copy of the report must be filed at the same time with the county clerk of the county in which the candidate resides [63].

2. **Political Committees.** Each political committee is required to file periodic cumulative reports of contributions and expenditures with the election law enforcement commission [64]. A political committee that makes independent expenditures on behalf of a candidate is also required to provide written notice of the expenditures to the candidate [65].

A political committee is exempt from any requirement to file cumulative financial reports of contributions received or expenditures made in behalf on two or more joint candidates in any election if the committee files with the commission a sworn statement to the effect that the total amount to be expended on behalf of their candidacies will not exceed $4,000; however, if a committee that has filed such a sworn statement receives contributions from any one source aggregating more than $100, it must forthwith report that fact, including the identity of the source and the aggregage total of contributions therefrom, to the commission. The sworn statement for a reporting exemption may be filed with the notice of designation by a political committee of its campaign treasurer and campaign depository if the committee knows or has reason to believe at the time when the notice of designation is given that the total amount to be so expended will not exceed $4,000 [66].

A political committee that is a political committee solely as to one or more public questions with respect to any election is not subject to the reporting or other requirements of the Campaign Contributions and Expenditures Reporting Act if the total amount of its expenditures for the election does not exceed $2,500 [67].

A political committee that expects to contribute at least $1,000 during any election to aid or promote the candidacy of one or more individuals for elective office or the passage or defeat of one or more public questions during a subsequent election has the option to qualify as a continuing political committee and to comply with the quarterly reporting requirements by requesting approval from the election law enforcement commission; however, the option to file quarterly reports is not available to political committees that serve as the campaign committee for any candidates [68].

Each report of contributions and expenditures must include all contributions in the form of moneys, loans, paid personal services, or other things of value made to the committee and all expenditures made, incurred, or authorized by it in furtherance of the nomination, election, or defeat of any candidate, in aid of the passage or defeat of any public question, or to provide political information on any candidate or public question during the period ending 48 hours preceding the date of the report and beginning on the date on which the first of those contributions was received or the first of those expenditures was made, whichever occurs first [69].

The report must contain (1) the name and address of each person or group from whom moneys, loans, paid personal services, or other things of value have been contributed since 48 hours preceding the date on which the previous cumulative report was made; (2) in the case of a reported loan, the name and address of each person who has co-signed the loan since 48 hours preceding the date on which the previous report was made; and (3) the name and address of each person, firm, or organization to whom expenditures have been paid since 48 hours preceding the date on which the previous report was made. The campaign treasurer of the political must certify to the correctness of each report [70].

In any report filed, the names and addresses of contributors whose contributions during the period covered by the report did not exceed $100 may be excluded; however, this exclusion is not permitted with respect to a contributor if any person responsible for the preparation or filing of the report knows that the contributor's total contributions relating to the same election and made to the reporting candidate or to allied campaign organizations aggregate more than $100 [71]. An itemized accounting of all receipts and expenditures relating to any testimonial affair held since the date of the most recent report filed, including the name and address of each contributor of in excess of $100 and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of the testimonial affair must be included in the report [72].

The political committee must file a cumulative campaign report of contributions and expenditures on the 29th day preceding the election, on the 11th day preceding the election, and on the 20th day following the election [73].

3. **Continuing Political Committees (Including Party Committees).** A continuing political committee, including a party committee, is required to submit cumulative quarterly reports of contributions and expenditures with the election law enforcement commission; however, a continuing political committee that makes or expects to make election-related expenditures in a calendar year that are not more than 20% of its total expenditures is not required to submit

reports of expenditures unless (1) the committee is engaged in fund-raising and solicitation expenses with respect to election-related activity, (2) the amount of contributions for any calendar year exceeds $10,000, or (3) the committee has filed or is required to file reports with the federal election commission as a separate segregated fund [74]. A continuing political committee that makes independent expenditures on behalf of a candidate is also required to provide written notice of the expenditures to the candidate [75].

A continuing political committee may satisfy its quarterly reporting obligation for a calendar year if it files with the commission no later than January 15th and July 15th a certified statement to the effect that the total amount to be expended in that calendar year will not exceed $1,000 [76].

A cumulative quarterly report must contain (1) the name and address of each person or group from whom moneys, loans, paid personal services, or other things of value have been contributed and the amount contributed by each person or group; (2) in the case of any reported loan, the name and address of each person who co-signs such loan; and (3) the name and address of each person, firm, or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The treasurer of the committee must certify to the correctness of each cumulative quarterly report [77].

In any report filed, the names and addresses of contributors whose contributions during the period covered by the report did not exceed $100 may be excluded; however, this exclusion is not permitted with respect to a contributor if any person responsible for the preparation or filing of the report knows that the contributor's total contributions relating to the same election and made to the reporting candidate or to allied campaign organizations aggregate more than $100 [78]. An itemized accounting of all receipts and expenditures relating to any testimonial affair held since the date of the most recent report filed, including the name and address of each contributor in excess of $100 and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of the testimonial affair must be included in the report [79].

The report must be filed not later than April 15th, July 15th, October 15th, and January 15th of each calendar year and include all moneys, loans, paid personal services, or other things of value and all expenditures made, incurred, or authorized by the committee, whether or not such expenditures were made, incurred, or authorized in furtherance of the election or defeat of any candidate, in aid of the passage or defeat of any public question, or to provide information on any candidate or public question, during the period ending on the 15th day preceding the date the report is due and commencing on January 1st of that calendar or, in the case of the cumulative report due not later than January 15th, of the previous calendar year [80].

F. Notice of Receipt of Large Pre-Election Contributions

1. Candidates and Political Committees. The campaign treasurer of a candidate or political committee is required to file written notice with the election law enforcement commission of a contribution in excess of $250 received during the period between the 13th day prior to an election and the date of the election. The notice must be filed in writing or by telegram within 48 hours of the receipt of the contribution and must set forth the amount and date of the contribution and the name and address of the contributor [81].

2. Continuing Political Committees. A continuing political committee submitting cumulative quarterly reports of contributions and expenditures that receives a contribution from a single source of more than $250 must report the contribution to the election law enforcement commission in writing or by telegram within 48 hours of receipt if the contribution was received after the final day of a quarterly reporting period and on or before a primary, general, municipal, school, or special election that occurs after that final day but prior to the final day of the next reporting period [82].

G. Notification to a Candidate of Expenditures on His Behalf. When a political committee, a continuing political committee, or an individual seeking party office makes or authorizes an expenditure on behalf of a candidate, it must provide immediate written notification of the expenditure to the candidate [83].

H. Notification of Paid Personal Services. A person who contributes paid personal services must furnish to the treasurer of the candidate, committee, or organization through whom such a contribution is made a statement setting forth the actual amount of compensation paid by the contributor to the individuals actually performing the services for their performance. If any individual actually performing such services also performed other services for the contributor during the same period and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for other services, the contributor must in his statement to the treasurer so state and either (1) set forth his best estimate of the dollar amount of the payment to each individual that is attributable to the contribution of his paid personal services and certify the substantial accuracy of the estimate or (2) if he is unable to determine the amount with sufficient accuracy, set forth the total compensation paid by him to each individual for the period of time during which the contributed services were performed [84].

I. Report of Independent Expenditures. Any person not acting in concert with any other person or group may expend personally from his own funds a sum that is not to be repaid to him for any purpose not prohibited by law or contribute his own personal services and personal traveling expenses to support or defeat a candidate or to aid the passage or defeat of a public question; however, the person making the expenditure is required to report all such expenditures and expenses, except personal traveling expenses, if the total money expended, exclusive of traveling expenses, (1) to support or defeat a candidate exceeds $1,000 and (2) to aid the passage or defeat of a public question exceeds $2,500 [85]. The report must be submitted (1) to the campaign treasurer (or his deputy) of the candidate, political party committee, or political committee on whose behalf the expenditure or contribution was made, and the treasurer must include the information in his report of contributions and expenditures or (2) directly to the election law enforcement commission at the same time and in the same manner as a political committee report of contributions and expenditures [86].

J. Financial Disclosure Statement. Every candidate for the office of governor or for the senate or general asembly must file and certify the correctness of a financial disclosure statement on or before the 10th day following the last day for filing a petition to appear on the ballot, and the statement must be filed with the election law enforcement commission [87].

V. POST-ELECTION REQUIREMENTS

A. Post-Election 60-Day Reports by Candidates and Political Committees. Until a certification that a candidate or political committee has wound up its business has been filed (i.e., a final report), the campaign treasurer of the candidate or committee must continue to file contribution and expenditure reports at the conclusion of each 60-day interval from the 20th day following an election [88]. Each 60-day report must cover the period beginning on the 2nd day before the reporting date of the previous report and ending on the 2nd day before the reporting date of the current 60-day report (i.e., 58 days after the previous reporting date [89].

A candidate or political committee that would be required to file 60-day reports due solely to the fact that it has funds remaining in its campaign depository or has unpaid obligations and has no other business remaining with regard to the past election may, upon application to and approval of the election law enforcement commission, be permitted to file reports each time there is a change in the status of the remaining funds or debts in lieu of the 60-day reports, but no less frequently than every 6 months [90].

B. Final Report--Certification of Winding Up of Business

1. Candidates, Political Committees, and Continuing Political Committees Serving as a Candidate Committee. Concurrent with the report of contributions and expenditures filed on the 20th day following an election or at any time thereafter, the treasurer of a candidate, political committee, or continuing political committee serving as a candidate committee may certify to the election law enforcement commission that the campaign fund of the candidate or political committee, having been instituted for the purposes of the late election, has wound up its business regarding the late election. The certification is to be accompanied by a final accounting of the campaign fund or of the transactions relating to the election, including the final disposition of any balance remaining in the fund at the time of dissolution or the arrangements that have been made for the discharge of any obligations remaining unpaid at the time of dissolution [91].

2. Continuing Political Committees. A continuing political committee that at any point expects to cease making contributions toward the aiding or promoting of the candidacy of one or more individuals for elective public office in the state or the passage or defeat of one or more public questions in the state is required to certify that fact in writing to the election law enforcement commission. The certification must be acompanied by a final accounting of any fund relating to such aiding or promoting, including the final disposition of any balance in such fund at the time of dissolution. Until the certification has been filed, the committee must continue to file cumulative quarterly reports of contributions and expenditures [92].

C. Post-Final-Report Reporting of Contributions and Expenditures. If any former candidate, political committee, or person or association of persons in behalf of such candidate or committee receives any contributions or make any expenditures with relation to any election after the date for the final report after the election or conducts any testimonial affair or public solicitation for the purpose of raising funds to cover any part of the expenses of a candidate, political committee, or organization in such election, all such contributions, expenditures, testimonial affairs, or public solicitations must be reported to the election law enforcement commission by the persons receiving the contributions, making the expenditures, or conducting the testimonial affairs or public solicitations. The report must be made by the person who receives contributions or makes expenditures that in the aggregate total more than $100 or conducts a testimonial affair or public solicitation that has net proceeds exceeding $100. The report must be submitted within 20 days from the date upon which the aggregate of contributions, expenditures, or proceeds exceeds $100 for the period commencing with the 19th day following the election or with the date when any previous such post-final report was made, whichever is sooner. The report must contain the same detail prescribed for cumulative reports of contributions and expenditures [93]. The election law enforcement commission by regulation requires these reports to be filed according to the schedule and requirements for 60-day post-election reports [94].

D. Waiver of Post-Election Reporting. The election law enforcement commission may waive the requirements for post-election reporting by a candidate, political committee, or continuing political committee serving as a candidate committee if the candidate or committee certifies that the outstanding campaign obligations (1) do not exceed 10% of the expenditures from the campaign fund with respect to the election or $1,000, whichever is less, or (2) are likely to be discharged or forgiven [95].

VI. PUBLIC FINANCING PROVISIONS

A. Public Financing of Gubernatorial Campaigns. Primary and general election campaigns for the office of governor are financed partially with public support [96]. The provisions relating to public financing of gubernatorial campaigns apply only if the state legislature makes an appropriation [97].

No person or political committee, other than a candidate receiving public funds, may contribute more than $800 in the aggregate to any person or committee in aid of or on behalf of a candidate for governor in a primary or general election, and no contribution in excess of the aggregate limitation may be accepted knowingly by a gubernatorial candidate or his campaign treasurer in a primary or general election. The aggregate limitation applies to each election; that is, $800 may be contributed for a primary election and $800 for a general election [98]. The spouse of a contributor may contribute not more than $800 in a general election [99].

A political party state committee may not knowingly accept a contribution in the aggregate of over $800 and may not allocate more than $800 of any contribution to aid a candidate for governor in the general election. Political party county and municipal committees may make expenditures in the aggregate of $100,000 to aid a candidate for governor in a general election; however, county and municipal committees in the same county may not make expenditures in the aggregate of over $10,000 for a candidate. A county or municipal committee may not transfer or contribute funds to a gubernatorial candidate or his campaign treasurer or to a political committee supporting the candidate [100].

A gubernatorial candidate receiving public funds may not make expenditures from his own funds, including any contributions, to aid his candidacy in excess of $25,000 for the primary election and $25,000 for the general election [101].

The state legislature is required to appropriate monies from the gubernatorial election fund and, if necessary, the general treasury to the election law enforcement commission to constitute a fund for gubernatorial campaign expenses for primary and general elections to the office of governor that is to be regulated and distributed by the commission [102].

Contributions received by candidates for governor for the purpose of the primary or general election, subject to certain exceptions, must be deposited in separate bank accounts: one for the primary election, the other for the general election. No monies in a candidate's primary election account may be expended for general election expenses, and no monies in the general election account may be expended until the day following the primary election and then only for general election expenses [103].

Upon application to the election law enforcement commission, the campaign treasurer (or deputy campaign treasurer) of a qualified candidate for governor in a primary election will promptly receive (but not earlier than January 1st in the year of the election) for election campaign expenses from the gubernatorial election fund monies equaling twice the amount of not more than $800 of each eligible contribution deposited in the candidate's primary election bank account in excess of $50,000 or 20¢ for each voter who voted in the last preceding general election in a presidential year, whichever is less [104]. For a general election, the campaign treasurer (or deputy campaign treasurer), upon application, will promptly receive (but not prior to the primary election) monies equaling twice the total of not more than $800 of each eligible contribution deposited in the candidate's general election bank account in excess of $50,000 or 40¢ for each voter who voted in the last preceding general election in a presidential year, whichever is less [105].

Expenditures from the fund for election campaign expenses must be made pursuant to the rules and regulations of the commission and strictly limited to (1) purchase of time on radio and television stations; (2) purchase of rental space on outdoor signs or billboards; (3) purchase of advertising space in newspapers and regularly published magazines and periodicals; (4) payment of the cost of producing the material aired or displayed on radio, television, outdoor signs, or billboards and in newspapers, regularly published magazines, and periodicals; (5) payment of the cost of printing and mailing campaign literature and brochures distributed under the name of a qualified candidate; (6) payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations; and (7) payment of the cost of telephone deposits and installation charges and monthly billings in excess of deposits. These limitations apply only to expenditures from the fund and not from any private contributions [106].

Monies received from the gubernatorial election fund may be retained for not more than 6 months after the election for which such monies were received in order to liquidate all obligations to pay expenses that were incurred during the election campaign for the purposes permitted. When all obligations have been liquidated, all gubernatorial election fund monies remaining must be paid into the fund [107].

VII. TAX PROVISIONS

A. Taxpayer Checkoff. A taxpayer may indicate on his income tax return that $1 of his taxes is to be reserved for the gubernatorial election fund. If a joint return is filed, the taxpayer and the taxpayer's spouse each may designate $1 for the fund. The designation does not increase the tax liability or reduce any refund of the taxpayer. For each $1 designated for the fund, the state treasurer must credit the fund from the taxes paid by the taxpayer [108].

VIII. OFFENSES AND PENALTIES

A. Criminal and Election-Related Penalties. Any person who willfully and knowingly and with intent to conceal or misrepresent contributions given or received or expenditures made or incurred makes or accepts any contribution or makes or incurs any expenditure in violation of the Campaign Contributions and Expenditures Reporting Act is guilty of a misdemeanor [109].

Any person who (1) willfully and knowingly files, prepares or assists in the preparation for filing, or acquiesces in the preparation or filing of any required report that is false, inaccurate, or incomplete in any material particular, (2) willfully and knowingly fails or refuses to file any report when required to do so, or (3) willfully supplies any information that he knows to be false, inaccurate, or incomplete to any person preparing or assisting in the preparation of a required report, with the knowledge that the information is intended for the purposes of the report, is guilty of a misdemeanor [110].

The nomination for or election to any office of any candidate who is guilty of any of the enumerated violations of the Act is void; however, each house of the state legislature remains as the judge of the election and qualification of its own members [111].

B. Civil Penalties. Any person charged with the responsibility under the terms of the Campaign Contributions and Expenditures Reporting Act for the preparation, certification, filing, or retention of any reports, records, notices, or other documents required to be filed who fails, neglects, or omits to file any required report, record, notice, or document at the time or during the time period and in the manner prescribed by law or who omits or incorrectly states or certifies any of the information required by law to be included in a report, record, notice, or document; any person who proposes to undertake or undertakes a public solicitation, testimonial affair, or other activity relating to contributions or expenditures in any way regulated by the Act who fails to comply with those regulatory provisions; and any other person who in any way violates any of the provisions of the Act is, in addition to any other penalty provided by law, liable for a civil penalty of not more than $1,000 for the first offense and not more than $2,000 for the second and each subsequent offense [112].

Upon receiving evidence of a violation of the Act, the election law enforcement commission may hold, or cause to be held, a hearing upon the violation and, upon finding a person to have committed the violation, may assess the monetary penalty, within the limits prescribed, as it deems proper under the circumstances. In assessing a monetary penalty, the commission may provide for the remission of all or any part of the penalty conditioned upon the prompt correction of any failure, neglect, error, or omission constituting the violation for which the penalty was assessed [113].

A person who willfully and knowingly violates the gubernatorial candidate funding law is subject to the same civil penalties as a violator of the Campaign Contributions and Expenditures Reporting Act [114].

A candidate who willfully and knowingly violates the law concerning the filing of financial disclosure statements is guilty of a crime of the 4th degree [115].

VIII. REGULATORY AGENCIES

A. Election Law Enforcement Commission. The New Jersey election law enforcement commission is required to enforce the provisions of the Campaign Contributions and Expenditures Reporting Act, to conduct hearings with regard to possible violations and impose penalties, and to promulgate necessary regulations and official forms. The commission is authorized to (1) initiate civil actions in any court of competent jurisidiction for the purpose of enforcing compliance with the provisions of the Act, enjoining violations, or recovering any prescribed penalty; (2) develop forms for the making of required reports; (3) prepare and publish a manual for all candidates, political committees, and continuing political committees; (4) ascertain whether candidates, committees, organizations, or others have failed to file reports or have filed defective reports, extend for good cause shown the dates upon which reports are required to be filed, give notice to delinquents to correct or explain defects, and make available for public inspection a list of such delinquents; (5) ascertain the total expenditures for candidates and determine whether they have exceeded the prescribed limits and notify candidates, committees, and others if they have exceeded or are about to exceed the limits; (6) hold public hearings and investigate allegations of any violations of the Act; (7) forward to the attorney general or to the appropriate county prosecutor information concerning any violations of the Act that may become the subject of criminal prosecution or that may warrant the institution of other legal proceedings by the attorney general; (8) furnish timely and adequate information in appropriate printed summaries and in such other form as it may see fit to every candidate or prospective candidate for public office who becomes or is likely to become subject to the provisions of the Act and to every duly designated treasurer and depository; and (9) through its legal counsel, render advisory opinions [116].

REFERENCES

1. New Jersey Statutes Annotated (West) (hereafter NJSA) § 19:44A-3(d)
2. NJSA § 19:44A-3(i)
3. NJSA § 19:44A-20
4. NJSA §§ 19:44A-11; 19:44A-19(d)
5. NJSA § 19:44A-20
6. NJSA § 19:44A-18.1
7. NJSA § 19A:44A-11
8. NJSA § 19:44A-19(a)
9. NJSA § 19:44A-3(j)
10. NJSA § 19:44A-19(a), (b)
11. NJSA § 19:44A-19(c)
12. NJSA § 19:34-45; Opinions of the New Jersey Attorney General (hereafter Op. Att'y Gen.) 14 (1979)
13. NJSA §§ 19:34-32; 18A:14-103; Op. Att'y Gen. 23 (1979)
14. NJSA § 5:12-138
15. NJSA §§ 19:34-43; 19:34-44
16. NJSA § 19:34-41
17. NJSA § 19:34-38(a), (g)
18. NJSA § 19:34-34
19. NJSA § 19:44A-3(f)
20. NJSA § 19:44A-11
21. NJSA § 19-34-32
22. NJSA § 34-16-32
23. NJSA § 19:44A-3(d), (i)
24. NJSA §§ 19:44A-7; 19:44A-3(m)
25. NJSA § 19:44A-11
26. NJSA § 19:34-33
27. NJSA § 19:34-25
28. NJSA §§ 19:44A-4; 19:44A-8(a)
29. NJSA § 19:44A-16(e)
30. Regulations of the New Jersey Elect Enforcement Commission (hereafter Regulations) §§ 19:25-3.1; 19:25-11.7
31. NJSA § 19:44A-3(c)
32. NJSA § 19:44A-3(n); Regulations § 19:25-4.5(b)
33. NJSA §§ 19:44A-3(e); 19:44A-4
34. NJSA § 19:1-1
35. Regulations § 19:25-1.7
36. NJSA § 19:44A-3(f)
37. NJSA § 19:1-1
38. NJSA § 19:44A-3(i)
39. NJSA § 19:44A-3(i); Regulations § 19:25-1.7
40. Regulations §§ 19:25-1.7; 19:25-12.4(b)(6)
41. NJSA § 19:1-1
42. NJSA § 19:1-1
43. NJSA § 19:1-1
44. NJSA §§ 19:44A-9; 19:44A-10
45. NJSA §§ 19:44A-9; 19:44A-10
46. NJSA § 19:44A-11
47. NJSA § 19:44A-12
48. NJSA § 19:44A-9
49. NJSA § 19:44A-10
50. NJSA § 19:44A-10
51. NJSA § 19:44A-10
52. NJSA § 19:44A-8(b)(1)
53. Regulations §§ 19:25-45(c)(3); 19:25-4.6(b)
54. NJSA § 19:44A-8(b)(1)
55. NJSA § 19:44A-16(a), (b)
56. NJSA § 19:44A-16(d), (e)
57. NJSA §§ 19:44A-16(c), (h)
58. Regulations § 19:25-9.2(c), (d)
59. NJSA § 19:44A-16(a)
60. NJSA § 19:44A-16(f)
61. NJSA § 19:44A-16(g)
62. NJSA § 19:44A-16(b)
63. NJSA § 19:44A-16(a), (c)
64. NJSA § 19:44A-8(a)(1); Regulations § 19:25-1.7
65. See note 83
66. NJSA § 19:44A-8(c)
67. Regulations § 19:25-12.5
68. Regulations § 19:25-4.3(b)
69. NJSA § 19:44A-8(a)(1)
70. NJSA § 19:44A-8(a)(1)
71. NJSA § 19:44A-8(c)
72. NJSA § 19:44A-8(c)
73. NJSA §§ 19:44A-8(a)(1); 19:44A-16(b)
74. NJSA §§ 19:44A-8(b)(2); Regulations § 19:25-12.4(b)(4)
75. See note 93
76. Regulations § 19:25-10.8(a)
77. NJSA § 19:44A-8(b)(2)
78. NJSA § 19:44A-8(c)
79. NJSA § 19:44A-8(c)
80. NJSA § 19:44A-9(b)(2)
81. NJSA §§ 19:44A-8(a)(1); 19:44A-16(i)
82. NJSA § 19:44A-16(b)(2)
83. NJSA § 19:44A-8(a)(2), (b)(2); Regulations §§ 19:25-9.6; 19:25-10.4; 19:25-12.2(b); 19:25-12.8
84. NJSA § 19:44A-3(f)
85. NJSA §§ 19:44A-11; Regulations § 19:25-12.8(a)
86. NJSA § 19:44A-11
87. NJSA § 19:44B-2; see NJSA §§ 19:44B-1--19:44B-10 for financial disclosure requirements for gubernatorial and state legislative candidates
88. NJSA § 19:44A-16(b)
89. Regulations § 19:25-9.13(a)
90. Regulations § 19:25-9.13(b)
91. NJSA § 19:44A-16(b); Regulations § 19:25-9.14(a), (b)

92. NJSA § 19:44A-8(b)(2)
93. NJSA § 19:44A-18
94. Regulations § 19:25-9.13(a)
95. NJSA § 19:44A-16(b); Regulations § 19:25-9.14(c)
96. NJSA § 19:44A-27
97. NJSA § 19:44A-28
98. NJSA § 19:44A-29(a)
99. NJSA § 19:44A-29(c)
100. NJSA § 19:44A-29(d), (e)
101. NJSA § 19:44A-29(g)
102. NJSA §§ 19:44A-30; 54A:9-25.1
103. NJSA §§ 19:44A-32; 19:44A-34
104. NJSA § 19:44A-33(a)
105. NJSA § 19:44A-33(b)
106. NJSA § 19:44A-35(a), (b)
107. NJSA § 19:44A-35(c)
108. NJSA § 54A:9-25.1
109. NJSA § 19:44A-21(a)
110. NJSA § 19:44A-21(b)
111. NJSA § 19:44A-21(c)
112. NJSA § 19:44A-22(a)
113. NJSA § 19:44A-22(b), (c)
114. NJSA § 19:44A-41
115. NJSA § 19:44B-6
116. NJSA § 19:44A-6(b), (c), (f)

CAMPAIGN FINANCE LAW
IN NEW MEXICO

I. INTRODUCTION

New Mexico requires candidates, special purpose political committees, and general purpose political committees to file itemized pre- and post-election reports of contributions and expenditures; however, the reporting may be avoided by a candidate if receipts and expenditures for an election are less than $500. The secretary of state is responsible for administration of the state campaign reporting act.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is a gift, subscription, loan, advance, or deposit of any money or other thing of value that is made for the purpose of supporting or opposing a candidate at any election of a candidate or for the purpose of adopting or defeating any constitutional amendment or other question submitted to the voters; however, the term does not include the value of services provided without compensation, unreimbursed travel, or other personal expenses of individuals who volunteer a portion of all their time on behalf of a candidate or political committee nor the administrative or solicitation expenses of a general political committee that are paid by an organization that sponsors such a committee [1].

B. Solicitation or Acceptance of Contributions by a Candidate or Political Committee. A candidate or member of a political committee may not solicit or accept any contribution for the purpose of supporting or opposing a candidate at a pre-primary designating convention or at any election or for the purpose of adopting or defeating any constitutional amendment or other question submitted to the voters unless the following requirements are not met: (1) a treasurer has been appointed and is constantly maintained; however, when a duly appointed treasurer is unable for any reason to continue as treasurer, the candidate may appoint a successor; (2) all disbursements of money and receipts of contributions are made by and through the treasurer; and (3) the treasurer, upon disbursing or receiving money or other things of value, immediately enters and thereafter keeps in a proper book to be preserved by him a full, true, and itemized statement and account of each sum disbursed or received, the date of disbursal or receipt, to whom disbursed or from whom received, and the object or purpose for which it was disbursed or received [2].

C. Anonymous Contributions. An anonymous contribution may be accepted, but an anonymous contribution in excess of $50 must be reported as to the date and amount [3].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is a payment, transfer, distribution, or obligation or promise to pay, transfer, or distribute any money or other thing of value for the purpose of influencing the outcome of any election of a candidate or for the purpose of influencing the result of an election on any constitutional amendment or other question submitted to the voters. The term does not include the candidate's or his immediate family's personal expenses for traveling, sleeping, or eating or the administrative or solicitation expenses of a general purpose political committee that are paid by an organization that sponsors such a committee [4].

B. Expenditures by a Candidate or Political Committee. A candidate or member of a political committee may not make any expenditure for the purpose of supporting or opposing a candidate at a pre-primary designating convention or at any election or for the purpose of adopting or defeating any constitutional amendment or other question submitted to the voters unless the requirements of the Campaign Reporting Act concerning the appointment of a treasurer, the making of disbursements through the treasurer, and the recording of disbursements and receipts by the treasurer have been complied with [5].

IV. REPORTING REQUIREMENTS

A. Reports of Expenditures and Contributions

1. General Provisions. A candidate and the treasurer of a special or general purpose political committee must file with the proper filing officer a report of expenditures and contributions on forms prescribed by the secretary of state and furnished by the proper filing officer [6].

The report of expenditures and contributions must itemize each item of expenditure and contribution, including the name and address of the person or entity to whom an expenditure was made or from whom a contribution was received, the amount or value of the expenditure or contribution, the purpose of the expenditure or contribution, and the date of the expenditure or contribution. The report must also include the total of all unitemized contributions and expenditures. It must be subscribed and sworn to by the candidate or treasurer of the political committee, as the case may be [7].

The reporting period for a report of expenditures and contributions is: (1) for the initial report, the period of time beginning with the acceptance of the first contribution or the making of the first expenditure following January 1st of the year of the election and ending with the 7th day prior to the date required for the filing of the report and (2) for subsequent reports, the period of time beginning with the 6th day immediately prior to the filing date for the last report and ending the 7th day prior to the date required for the filing of the report [8].

The term "election" as used in the Campaign Reporting Act means any primary, general, or statewide special election [9].

2. Candidate. A candidate is required to file a report of expenditures and contributions [10]. A "candidate" is an individual seeking nomination at any primary election or election at a general or statewide special election [11].

A candidate for any of the following offices is subject to the requirements of the Campaign Reporting Act:

(1) All statewide elective offices (governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, commissioner of public lands, corporation commissioner, supreme court justices, court of appeals judges, state board of education), state senators and representatives elected from multi-county districts, all elective judicial offices for the judicial districts (district judges and district attorneys) except magistrates, and any other office representing a district composed of more than one county. The secretary of state is the proper filing officer for expenditure and contribution reports of candidates for these offices.

(2) All elective county offices, magistrates (in Bernalillo County, metropolitan court judges), and state senators and representatives elected from a district located wholly within one county or that is composed of only one county. The county clerk is the proper filing officer for these offices [12].

The report of a candidate must include the expenditures and contributions of those political committees authorized by the candidate to expend and receive funds on the behalf of his candidacy [13].

A candidate must file reports of expenditures and contributions not later than 10 days prior to an election, not later than 30 days after an election, 6 months after an election if any contributions in the possession of the candidate remain unexpended or if any debt remains unpaid, and every 12 months after an election so long as any debt remains unpaid by the candidate [14].

3. Political Committee. The Campaign Reporting Act requires a political committee to file expenditure and contribution reports [15]. A "political committee" is every two or more persons who are selected, appointed, chosen, or associated within the state for the purpose of, wholly or in part, supporting or opposing a candidate at any election or for the purpose of adopting or defeating any constitutional amendment or other question submitted to the voters and includes political action committees or similar organizations composed of employees or members of any corporation, labor organization, trade or professional association, or any other similar group that raises, collects, expends, or contributes money or any other thing of value for the purpose of supporting or opposing a candidate at a pre-primary designating convention or any election or for the purpose of adopting or defeating any constitutional amendment or other question submitted to the voters [16]. There are two types of political committees: a special purpose political committee and a general purpose political committee [17].

(a) Special Purpose Political Committee. A "special purpose political committee" is a political committee that makes contributions limited to one primary and one general election to support or oppose one candidate, constitutional amendment, or other question submitted to the voters [18].

A special purpose political committee must file reports of expenditures and contributions not later than 10 days prior to an election, not later than 30 days after an election, 6 months after an election if any contributions in the possession of the committee remain unexpended or if any debt remains unpaid, and every 12 months after an election so long as any debt remains unpaid by the committee [19]. If a candidate files a report for a special purpose political committee authorized by the candidate to expend and receive funds on the behalf of his candidacy, the committee treasurer need not file a report of expenditures and contributions for the period covered in the candidate's report [20].

The treasurer of a special purpose political committee must file reports of expenditures and contributions with the proper filing officer. If the committee makes contributions to support or oppose one candidate, the filing officer is the secretary of state or the county clerk, depending on the office involved. If the committee makes contributions to support or oppose a constitutional amendment or other question submitted to the voters, the proper filing officer presumably is the secretary of state [20].

(b) General Purpose Political Committee. A "general purpose political committee" is a political committee other than a special purpose political committee [22]. The treasurer of a general purpose political committee must file reports of expenditures and contributions with the secretary of state [23].

If a general purpose political committee is supporting or opposing a candidate or issue involved in an election or designating convention, the committee must file reports of expenditures and contributions not later than 10 days prior to the election and not later than 30 days after an election. If the committee has already reported contributions or expenditures in connection with a candidate or issue and if no further contributions or expenditures are made in connection with the candidate or issue, then no further pre- or post-election or convention reports are required for that candidate or issue [24].

B. Candidate Statement of Anticipated Receipts or Expenditures Less Than $500. A candidate who anticipates receiving or expending less than $500 to influence the outcome of his election must file a statement to that effect at the time of filing a statement of candidacy for convention designation or declaration of candidacy or 10 days prior to the election in which the person is a candidate, whichever is later. Upon the filing of the statement, the candidate will not be required to file a report of expenditures and contributions. If at any time either the expenditures or contributions of a candidate who filed this statement exceeds $500, the candidate must file the next report and each succeeding report as required by the Campaign Reporting Act [25].

V. OFFENSES AND PENALTIES

A. Criminal Penalties. If a candidate or member of a political committee makes expenditures or solicits or accepts contributions in violation of the Campaign Reporting Act requirements for the appointment of a treasurer, the making of disbursements through the treasurer, and the recording of disbursements and receipts by the treasurer, he is guilty of a misdemeanor and upon conviction must be punished by a fine of not less than $200 nor more than $1,000, imprisonment not to exceed three months in the county jail, or both [26].

It is a misdemeanor for a candidate or treasurer of a political committee to knowingly and willfully file a false report of expenditures and contributions [27].

B. Financial Penalty for Late or Incomplete Reporting. If a candidate or treasurer of a political committee making a contribution files a report of expenditures and contributions after any deadline imposed by the Campaign Reporting Act or if the candidate or treasurer files an incomplete report, the person, in addition to any other penalties or remedies prescribed by the Election Code, is liable and must pay to the proper filing officer or the secretary of state, as the case may be, at the time of the filing the sum of $10 per day for each regular working day after the time required by the Act for the filing of reports of expenditures and contributions until the complete report is filed [28].

C. Exclusion of Name From Ballot for Non-Compliance. If a candidate fails or refuses to file a report of expenditures and contributions in the manner and within the time required by the Campaign Reporting Act and it is before the final date for the withdrawal of candidates, the candidate may not have his name printed upon the ballot [29].

D. Denial of Issuance of Certification of Nomination or Election for Non-Compliance. If a candidate fails to refuses to file a report of expenditures and contributions in the manner and within the time required by the Campaign Reporting Act and it is after the final date for withdrawal of candidates or after the election, the candidate may not be issued a certificate of nomination or election, as the case may be, until the candidate files the report of expenditures and contributions as required [30].

VI. REGULATORY AGENCIES

A. Secretary of State. The secretary of state (1) generally supervises all elections; (2) administers the election code in its statewide application; (3) adopts necessary rules and regulations; (4) reports possible violations of the election code to a district attorney or the attorney general for prosecution; and (5) publishes and distributes copies of the election code [31].

B. Secretary of State and County Clerks. The secretary of state and the appropriate county clerk are designated as the proper filing officer to receive reports of expenditures and contributions, depending on the office or issue involved [32]. In addition, they are required to furnish the forms prescribed by the secretary of state to candidates and political committees for whom they are the proper filing officer. The forms must be furnished upon request to political committees and must be given to a candidate at the time of filing a declaration of candidacy for nomination at a primary election. Ten days before any report of expenditures and contributions is required to be filed, the filing officer must notify each candidate by certified mail of the deadline for filing the report [33].

The secretary of state and county clerk must transmit to the attorney general within 24 hours of receipt any required campaign contribution and expenditure report subject to being cross-checked for discrepancies by the attorney general [34].

C. Attorney General and District Attorneys. The attorney general must, after any required expenditure and contribution report filing date, release a report on any discrepancies found after cross-checking political committee contributions against contributions reported by candidates and contributions reported by candidates against contributions reported by special purpose political committees. This cross-checking provision applies to all candidates for governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, commissioner of public lands, corporation commission, justice of the supreme court, judge of the court of appeals district judge, district attorney, state board of education, state senator, and state representative [35].

The attorney general and the district attorneys, upon request of the secretary of state, must provide the secretary legal advice, assistance, service, and reprentation as counsel in any action to enforce the provisions of the election code [36].

REFERENCES

1. New Mexico Statutes Annotated (hereafter NMSA) § 1-19-26(B)
2. NMSA § 1-19-34(A)
3. NMSA § 1-19-34(B)
4. NMSA § 1-19-26(D)
5. NMSA § 1-19-34(A)
6. NMSA §§ 1-19-26(F); 1-19-27; 1-19-27.1; 1-19-31
7. NMSA § 1-19-31; Secretary of State, The Campaign Reporting Act—A Compliance Guide for Candidates, Political Officials and Citizens (hereafter Compliance Guide). § 1-19-31 requires itemized reporting only by reporting individuals who have contributed more than $100 in a calendar year; however, the secretary of state has determined that a narrow interpretation of this section would not be consistent with the other provisions of the Campaign Reporting Act and therefore requires candidates and political committees to file detailed information for each contribution and expenditure.
8. NMSA § 1-19-30
9. NMSA § 1-19-26(C)
10. NMSA §§ 1-19-26(F); 1-19-27; 1-19-31
11. NMSA § 1-19-26(A)
12. NMSA §§ 1-8-25; 1-19-27; Compliance Guide 12
13. NMSA § 1-19-27
14. NMSA § 1-19-29
15. NMSA §§ 1-19-27; 1-19-27.1
16. NMSA § 1-19-26(E)
17. NMSA § 1-19-26(G), (H)
18. NMSA § 1-19-26(G)
19. NMSA § 1-19-29
20. NMSA § 1-19-27
21. NMSA §§ 1-8-25; 1-9-27
22. NMSA § 1-19-26(H)
23. NMSA § 1-19-27.1
24. NMSA § 1-19-27.2
25. NMSA § 1-19-35
26. NMSA § 1-19-34(C)
27. NMSA § 1-19-36
28. NMSA § 1-19-35(A)
29. NMSA § 1-19-35(B)
30. NMSA § 1-19-35(B)
31. NMSA §§ 1-2-1; 1-2-2
32. NMSA §§ 1-19-27; 1-19-27.1; 1-8-25
33. NMSA § 1-19-28
34. NMSA § 1-19-32.1(B)
35. NMSA § 1-19-31(A)
36. NMSA § 1-2-1.1(A)

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CAMPAIGN FINANCE LAW
IN NEW YORK

I. INTRODUCTION

New York has established maximum aggregate contribution amounts that may be made to a candidate or political committee aiding a candidate in connection with a primary, general, or special election, subject to numerous exemptions for certain "contributors" and "contributions." Individuals, other than a candidate's family, are limited to a total of $150,000 for contributions in candidate-related elections in a calendar year and are also subject to specific limitations for various offices and positions. Family contributors are subject to contribution limits for various offices and positions. A candidate and the candidate's spouse are not subject to any limit for contributions for the candidate's campaign.

Corporations may not contribute more than $5,000 in the aggregate in a calendar year for political purposes other than for the support of or opposition to non-partisan ballot issues. A corporation may pay for the establishment and administration of a separate segregated fund, but is still subject to the $5,000 maximum contribution limit for such support. Candidates and political committees are required to file periodic statements of receipts and contributions, but numerous exemptions are provided. If the aggregate receipts or expenditures of a candidate or his authorized political committee do not exceed $1,000 for a reporting period, a regular statement of receipts and contributions need not be filed. The state board of elections administers the campaign receipts and expenditures law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is any of the following:

(1) Any gift, subscription, outstanding loan, advance, or deposit of money or anything of value made in connection with the nomination for election or election of any candidate or to promote the success or defeat of a political party or principle or any ballot proposal [1].

(2) Any funds received by a political committee from another political committee to the extent that the funds do not constitute a transfer [2]. A "transfer" is any exchange of funds or anything of value between political committees authorized by the same candidate and taking part solely in his campaign or any exchange of funds between a political party committee or constituted committee and a candidate or any of his authorized political committees [3].

(3) Any payment by any person, other than a candidate or political committee authorized by the candidate, made in connection with the nomination for election or the election of any candidate or any payment made to promote the success or defeat of a political party or principle or any ballot proposal, including compensation for the personal services of an individual that are rendered in connection with a candidate's nomination or election without charge [4].

None of the foregoing is deemed to be a contribution if it is made, taken, or performed by a candidate or his spouse or by a person or political committee independently of a candidate, his agents, and his authorized political committees; that is, the candidate, his agents, or authorized political committees did not authorize, request, suggest, foster, or cooperate in the activity [5]. An expenditure by a candidate, his spouse, or any political committee on behalf of the candidate is not considered to be a contribution to the candidate [6].

The term "contribution" does not include (1) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee; (2) the use of real or personal property and the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate or political committee on the individual's residential premises for candidate-related activities to the extent the services do not exceed $500 in value; and (3) the travel expenses of any individual who on his own behalf volunteers his personal services to a candidate or political committee to the extent such expenses are unreimbursed and do not exceed $500 in value [7].

B. Maximum Aggregate Amounts of Contributions

1. General Provisions. Contributions related to a primary, general, or special election that may be made to or accepted by a candidate for nomination for or election to a public office or election to a political party position and made to or accepted by a political committee working directly or indirectly with a candidate to aid or participate in the candidate's nomination or election are limited to prescribed maximum aggregate amounts, which vary according to the contributor, candidate, election, and calendar year [8].

2. Exemptions. The law provides exemptions from the contribution limits for certain "contributors" who make contributions and certain "contributions" that are made to a candidate or political committee in connection with the nomination for election or election of a candidate: (1) contributions made by the candidate or his spouse; (2) contributions made by or to a political party committee or constituted committee; (3) contributions made by the candidate's authorized political committees; (4) contributions made by a political committee independent of the candidate and his authorized political committees; (5) an exchange of funds or anything of value between authorized political committees of the same candidate; (6) an exchange of funds between a political party committee or constituted committee and the candidate or his authorized political committee; (7) contributions made to a candidate and political committee that engages exclusively in activities for which a report of campaign receipts, expenditures, and liabilities is required to be filed with an office of the U.S. Government; and (8) contributions (i.e., money) made to a political party committee or constituted committee and expended to maintain a permanent headquarters and staff and carry on ordinary activities that are not for the express purpose of promoting the candidacy of specific candidates [9].

In determining the amount of a contribution, a contribution of other than money must be evaluated at its fair market value and a reasonable estimate should be used [10]. A "contribution of other than money" is a gift, subscription, loan, or advance of anything of value, other than money, made to or for any candidate or political committee and the payment by any person other than a candidate or political committee of compensation for the personal services of another person that are rendered to the candidate or political committee without charge, but does not include personal services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee [11].

A portion of every contribution to a political party committee expended as other than non-candidate expenditures and a portion of every contribution to a political committee authorized to support more than one candidate is deemed contributed to every candidate supported by the committee. The portion is determined by allocating the contributions received by the committee in accordance with any formula based on reasonable standards established by the committee [12].

3. Non-Family Contributors. No individual person, other than a candidate and his family, may contribute, loan, or guarantee over $150,000 in connection with the nomination or election of persons to state and local public offices and party positions in any one calendar year. A "loan" or "guarantee" means a loan or guarantee that is not repaid or discharged in the calendar year in which it is made [13].

A contributor, other than a candidate's family member, is subject to the following limitations on the maximum aggregate amount of contributions that may be made to candidates and political committees: (1) election to a statewide political party position or nomination for a statewide public office--the product of the total number of enrolled voters in the candidate's party in the state multiplied by 1/2¢; (2) election to a statewide public office--the product of the total number of registered voters in the state multiplied by 1/2¢; (3) election to a non-statewide political party position or nomination for a non-statewide public office, other than state senator or member of the assembly--the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate multiplied by 5¢, but not less than $1,000 or more than $50,000; (4) election to a non-statewide public office, other than state senator or member of the assembly--the product of the total number of registered voters in the district multiplied by 5¢, but not less than $1,000 or more than $50,000; (5) nomination for the office of state senator or assembly member--the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate multiplied by 5¢ or $4,000 (state senator) or $2,500 (assembly member), whichever is greater, but not more than $50,000; (6) election to the office of state senator or assembly member--the product of the total number of registered voters in the district multiplied by 5¢ or $4,000 (state senator) or $2,500 (assembly member), whichever is greater, but not more than $50,000 [14].

4. Family Contributors. A candidate's child, parent, grandparent, brother, and sister and their spouses, considered together, are subject to the following limitations on the aggregate maximum amount of contributions that may be made to the candidate and supporting political committees: (1) election to a statewide political party position or nomination for a statewide public office--the product of the number of enrolled voters in the candidate's party in the state multiplied by 2 1/2¢; (2) election to a statewide public office--the product of the number of registered voters in the state multiplied by 2 1/2¢; (3) election to a non-statewide political party position or nomination for a non-statewide public office, other than state senator or member of the assembly--an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate multiplied by 25¢ or $1,250, whichever is greater, but not more than $100,000; (4) election to a non-statewide public office, other than state senator or member of the assembly--an amount equivalent to the number of registered voters in the district multiplied by 25¢ or $1,250, whichever is greater, but not more than $100,000; (5) nomination for the office of state senator or member of the assembly--an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate multiplied by 25¢ or $20,000 (state senator) or $12,500 (assembly member), whichever is greater, but not more than $100,000; and (6) election to the office of state senator or member of the assembly--an amount equivalent to the number of registered voters in the district multiplied by 25¢ or $20,000 (state senator) or $12,500 (assembly member), whichever is greater, but not more than $100,000 [15].

C. Contributions By a Corporation. A corporation, including a not-for-profit corporation, or joint stock association doing business in the state, except a corporation organized or maintained for political purposes only, may not directly or indirectly pay, use, or offer any money or property (1) for or in aid of any political party, committee, or organization, (2) for or in aid of any corporation, joint-stock, or other association organized or maintained for political purposes, (3) for or in aid of any candidate for political office or for nomination for political office, (4) for any political purpose whatever, or (5) for the reimbursement or indemnification of any person for monies or property used for any of the specified purposes; however, notwithstanding the prohibition of corporate contributions for the enumerated purposes, a corporation or an organization supported in whole or in part by a corporation may make expenditures, including contributions, that are not otherwise prohibited by law for political purposes in an amount not to exceed $5,000 in the aggregate in any calendar year [16]. The law on corporate contributions is invalid to the extent it attempts to prohibit or limit the ability of a corporation to contribute or expend monies in support of opposition to non-partisan ballot issues [17].

A corporation may pay for the establishment and administration of a separate segregated fund composed of voluntary contributions solicited from corporate employees, but the amount of the payment must be charged against the corporation's calendar year limit on the amount it may contribute for political purposes [18].

A public utility is prohibited from using revenues received from the rendition of public service within the state for contributions for political purposes unless the cost is charged to the shareholders of the public service corporation [19].

D. Disposition of Anonymous Contributions. An anonymous contribution received by a campaign treasurer, political committee, or agent of the treasurer or committee may not be used or expended, but must be paid over to the comptroller of the state for deposit in the general treasury; however, if the identity of the anonymous contributor becomes known before the date for filing statements and reports, the anonymous contribution must be returned to the contributor or retained and properly reported as a contribution from the contributor [20].

E. Contributions in the Name of the Contributor. No person is permitted to make in any name except his own, directly or indirectly, a payment or promise of payment to a candidate or political committee or on behalf of any candidate nor may any committee, person, or candidate knowingly receive a payment or promise of payment or enter the payment in the records of the committee in any name other than that of the person by whom it is made [21].

F. Contributions Over $100 by Check, Draft, or Other Instrument or by Credit Card. A candidate, political committee, or agent thereof may not receive from any one person an aggregate amount of more than $100 except in the form of a check, draft, or other instrument payable to the candidate, political committee, or treasurer and signed or endorsed by the donor; however, a candidate, political committee, or agent may receive contributions in amounts greater than $100 that are made by credit card if a copy of the document that was submitted to secure payment of the funds so contributed is preserved together with the other accounts that the candidate, committee, or agent is required to preserve. All such checks, drafts, or other instruments must be deposited in the account of the candidate or committee in the designated depository [22].

G. Contributions and Solicitation by Police. A police commissioner or officer or member of a police force may not solicit, collect, or receive any money for any political fund, club, association, society, or committee [23].

H. Solicitation of a Candidate for Favorable Publicity. No person may solicit from a candidate for an elective office money or other property as a condition or consideration for a supporting article, report, or advertisement in any publication or news media in favor of the candidate [24].

I. Solicitation of Work Relief Personnel. No person may solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person known to him to be entitled to or receiving compensation, employment, or other benefit provided for or made possible by any act of Congress or of the legislature appropriating or authorizing the appropriation of funds for work relief or relief purposes [25].

J. Solicitation of Political Assessments by Government Personnel. A state or political subdivision officer or employee may not directly or indirectly use his authority or official influence to compel or induce any other officer or employee of the state or a political subdivision to pay or promise to pay any political assessment [26].

K. Contributions by and Solicitation of Judicial Candidates. A candidate for judicial office may not directly or indirectly make a contribution of money or other thing of value, and no contribution may be solicited from him [27].

L. Contributions by Polling Place Owners. A person who owns premises contracted for or used as a place of registration or as a polling place for any election or official primary may not make, offer, or promise to make a political contribution to any party committee, candidate, or person, and a person may not make, promise, or offer to make any political contribution as an inducement for the hiring of premises owned by him for use as a place of registration or polling place [28].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. There is no definition of the term "expenditure" in the state election law; however, the term has been used by the state board of elections to mean at least a direct payment for goods and services [29].

B. Expenditures for Personal Use. Contributions received by a candidate or political committee may be expended for any lawful purpose. Such funds may not be converted by any person to a personal use that is unrelated to a political campaign or the holding of a public office or party position [30].

C. Expenditures by Check. No candidate or political committee may expend an amount over $100 except by check drawn on the designated depository and signed by the candidate or person authorized by him to sign checks or, in the case of a political committee, the treasurer or a person authorized by him to sign checks [31].

D. Political Party Expenditures for Primary Candidates. Contributions of money or the equivalent made directly or indirectly to any political party or party committee and moneys in the treasury of a political party or party committee may not be expended to aid a person to be voted for at a primary election as a candidate for nomination for public office or as a candidate for any party position [32].

E. Expenditures by a Constituted Committee. No constituted committee of a political party may expend in any 12-month period terminating on the day of a general election, other than as non-candidate expenditures, any portion of any individual contribution that exceeds, in the case of a state committee, 1/2¢ for each registered voter in the state or, in the case of any other constituted committee, the greater of 1¢ for each registered voter in the district in which the committee is organized or $500 [33].

F. Investment Income-Producing Sources. According to the state board of elections, there is nothing in the state election law that would prohibit any political committee (and presumably a candidate) from investing a part of its assets in an income-producing source such as a money market fund. This use of funds does not constitute an expenditure but must be reported as a disbursement, and the interest received from such an investment must be reported as a receipt [34].

IV. REPORTING REQUIREMENTS

A. Statement of Receipts and Expenditures

1. General Provisions. A candidate for election to public office, nomination for public office at a contested primary election, or election to a political party position at a primary election and a political committee must file statements of receipts, contributions, transfers, and expenditures with the appropriate filing board or clerk [35].

A candidate or political committee is exempted from the requirement to file a statement of receipts and expenditures in certain situations:

(1) If expenditures made by any individual or political committee for or on behalf of the nomination or election of any candidate or for or on behalf of any question to be submitted to vote at a public election do not exceed $50 in an aggregate amount during any calendar year, the expenditures are not considered to be a contribution of other than money and the individual or political committee is not required to file statements of receipts and expenditures [36].

(2) If, at the close of a reporting period for which a statement of receipts and expenditures would be required to be filed by a candidate or political committee taking part solely in his campaign and authorized by him to do so or by a committee involved solely in promoting the success or defeat of a ballot proposal, neither the aggregate receipts nor the aggregate expenditures by and on behalf of the candidate or to promote the success or defeat of a ballot proposal by such candidate or by such political committee or committees exceed $1,000 and the candidate or committee files on the filing date otherwise provided a sworn or subscribed statement stating that neither the aggregate receipts nor aggregate expenditures exceed $1,000, then the candidate or political committee below the threshold amount is not required to file the statement of receipts and expenditures [37].

(3) A candidate unopposed in a primary election and a political committee authorized by him and taking part solely in his campaign are not required to file the two statements of receipts, expenditures, and contributions required to be filed immediately prior to the uncontested primary election if all the information that would be required to be filed in the two statements is contained in the first statement required to be filed in connection with the ensuing general election [38].

(4) A candidate or a political committee taking part solely in his campaign and authorized by him to do so in a campaign for election to public office and a political committee involved solely in promoting the success or defeat of a ballot proposal in a city, town, or village having a population of less than 10,000 are not required to file statements of receipts and expenditures unless the aggregate receipts or the aggregate expenditures made by the candidate and his authorized committees or the committee promoting the success or defeat of a proposal exceed $1,000 [39].

(5) If a candidate has made no expenditures and does not intend to make any expenditures by the end of the first filing period, except through a political committee authorized by the candidate, the candidate may file a statement to that effect in lieu of filing any statements of receipts and expenditures [40].

(6) A political committee formed solely to promote the success or defeat of a ballot proposal submitted to vote at a public election is not required to file the required statements of receipts and expenditures until the committee has received or expended an amount in excess of $100 [41].

(7) A candidate for member of a county committee of a political party or any candidate for delegate or alternate delegate to a judicial district convention is not required to file statements of receipts and expenditures if the campaign expenditures made by or on behalf of the candidate do not exceed $50 [42].

(8) The filing requirements do not apply to a candidate or political committee that engages exclusively in activities for which there is required to be filed a report of campaign receipts, expenditures, and liabilities with an office or officers of the U.S. Government, but a copy of each report must be filed with the state board of elections [43].

(9) The requirement to file statements of receipts and expenditures does not apply to a political committee supporting or opposing candidates for state or local office that, pursuant to the laws of the United States, is required to file a statement or report of the campaign receipts, expenditures, and liabilities of such committee with an office or officer of the U.S. Government if (1) such committee makes no expenditures to aid or take part in the election or defeat of a candidate for state or local office other than in the form of contributions that do not exceed $1,000 in the aggregate in any calendar year and (2) a copy of the federal report that lists such contributions is filed with the appropriate board of elections at the same time that it is filed with the federal filing office or officer [44].

(10) The reporting requirements and other provisions on campaign receipts and expenditures do not apply to any committee or organization for the discussion or advancement of political questions or principles without connection with any vote or to a national committee organized for the election of presidential or vice-presidential candidates [45].

Each statement of receipts and expenditures required to be filed must include the following particulars:

(1) The dollar amount or the fair market value if other than money of any receipt, contribution, or transfer; the name and address of the transferor, contributor, or person from whom received; if the transferor, contributor, or person is a political committee, the name of and the political unit represented by the committee; and the date of its receipt. Receipts and contributions aggregating not more than $99 from any one contributor need not be specifically accounted for by separate items in a statement. A statement reporting a loan must have attached to it a copy of the evidence of indebtedness [46].

(2) The dollar amount of every expenditure; the name and address of the person to whom it was made or the name of the political committee and the

political unit represented by the committee to which it was made; the date of the expenditure; and a clear statement of the purpose of the expenditure. Expenditures under $50 need not be specifically accounted for by separate items in a statement [47]. A contribution other than money must be declared as an expenditure at its fair market value, reported on the expenditure schedule, and identified as to its nature and listed as an "expenditure in-kind" [48].

A statement must be sworn or subscribed to and bear a form notice that false statements made therein are punishable as a class A misdemeanor [49].

A statement required to be filed next succeeding a primary, general, or special election must be accompanied by a facsimile or copy of all advertisements, pamphlets, circulars, flyers, brochures, letterheads, and other printed matter purchased or produced and a schedule of all radio or television time, including the scripts used, purchased in connection with the election by or under the authority of the person filing the statement or the committee or person on whose behalf it is filed [50].

A candidate or political committee that charges or accepts monetary donations for admission to any fund-raising event at which food and beverages are provided is not required to list as a candidate expenditure the cost of providing the food and beverages (including the expense of preparation and service) where any such cost is included within the charge or suggested donation for admission; however, the charge or donation for admission must exceed the cost of providing a person admitted with food and beverages. The cost of providing food and beverages must be separately reported and itemized by the candidate or political committee on its statement of campaign receipts and expenditures. Any other cost in relation to a fund-raising event, including the cost of music, printing, premises, or advertising, must be listed and itemized in the same manner as any other candidate expenditure is reported [51].

A statement of campaign receipts and expenditures must be filed on the 32nd day and 11th day before and on the 27th day next succeeding the election (other than a primary election) or convention to which the statement relates. If there is a primary election, the statements are filed on the 32nd and 11th day before and the 10th day after the contested primary election. If it is necessary to hold a runoff primary, a statement must be received on the 4th day preceding the runoff primary and on the 10th day after the contested primary [52].

In addition to the pre- and post-election statements, periodic statements must be filed no later than January 15th and July 15th of each year until such time as the candidate or committee terminates activities. At time of termination, a final statement is required to be filed particularizing campaign receipts and expenditures during the filing period and evidencing a complete payment of all liabilities and the expenditure of all funds in the possession of the committee or candidate. The filing of the final statement terminates the activities of the political committee or candidate. If a person or political committee receives or expends funds to promote the person's candidacy for a particular office and the person fails to qualify for either the primary or general election ballot, statements are required to be filed as specified in this paragraph [53].

If a candidate or committee is required to file two statements within a period of 5 days, the information required in each statement may be combined in a single statement; however, the information contained in the single statement must be segregated and identified as to the election to which it relates. The combined statement is required to be filed on the date on which the later statement is required to be filed [54].

Each statement must cover the period up to and including the 4th day preceding the day specified for filing the statement; however, any contribution over $1,000 received after the close of the period to be covered in the last statement filed before any primary, general, or special election but received before such election must be reported within 24 hours after receipt in the same manner as other contributions [55].

A board of elections must notify each person required to file a statement with it of the person's failure to file timely. The notice must be in writing and mailed to the last known residence or business address of such person. Failure to file within 5 days after receipt of the notice constitutes prima facie evidence of a willful failure to file. A copy of any notice sent by a board of elections other than the state board of elections is to be sent by the other board to the state board [56]. If a statement is not received, a duplicate of the statement must be filed promptly upon notice by the board of its non-receipt [57].

2. Candidates. A candidate for election to public office, for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election must file the required statements of receipts and expenditures setting forth the particulars as to all moneys or other valuable things paid, given, expended, or promised by him to aid his own nomination or election, to promote the success or defeat of a political party, or to aid or influence the nomination or election or the defeat of any other candidate to be voted for at an election or primary or at a convention, including contributions to political committees and officers, members, or agents thereof, and transfers, receipts, and contributions to the candidate to be used for any of the purposes specified above [58].

A "candidate," as defined in the campaign receipts and expenditures law, is an individual who seeks nomination for election or election to any public office or party position to be voted for at a primary, general, or special election, whether or not the office or position has been specifically identified at such time and whether or not the individual is nominated or elected, and, for the purpose of the reporting provisions, an individual is deemed to seek nomination for election or election to a public office or party position if he has taken the action necessary to qualify himself for nomination for election or election or has received contributions, made expenditures, or given his consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination for election or election to any office or position at any time, whether in the year in which the contributions or expenditures are made or at any other time [59].

A candidate who receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent must keep and retain detailed, bound accounts as provided for political committees. A political committee authorized by a candidate may fulfill all of the filing requirements on behalf of the candidate [60].

The places for filing candidate statements of receipts and expenditures are as follows:

(1) The statements of a candidate for nomination for or election to the office of presidential elector, governor, lieutenant governor, attorney general, comptroller, member of the state legislature, delegate to a constitutional convention, or justice of the supreme court or a candidate for any party position to be voted for at a primary election by the voters of two or more counties or portions of two or more counties not wholly within the City of New York are filed with the state board of elections [61].

(2) The statements of a candidate for nomination for or election to any other public office, except a village office, or a candidate for any party position to be voted for at a primary election solely by the voters within a single county or within the City of New York are filed with the board of elections of the city or county whose voters are to vote for the office or party position [62].

(3) The statements of a candidate for nomination for or election to a village office are filed with the village clerk; however, if a village has opted to have elections occur on the day of the general election and be conducted by the county board of elections, the statements are filed with the county board of elections [63].

3. Political Committees. The treasurer of every political committee or any officer, member, or agent of a committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent must file statements setting forth all receipts of, contributions to, expenditures by, and liabilities of the committee; however, if the expenditures made and liabilities incurred in any calendar year by any political committee for the purpose of aiding or promoting the success or defeat of one or more ballot proposals are less than $5,000 and less than 50% of all the expenditures made and liabilities incurred by the committee in the year, then the committee is required to report only those contributions that are made to the committee exclusively for the purpose of aiding or promoting the success or defeat of the proposals, as well as all expenditures made and liabilities incurred for such purposes. The regular reporting requirements for candidate-related activities must be observed in any event [64].

A "political committee" is any corporation aiding or promoting and any committee or combination of one or more persons operating or cooperating (1) to aid or to promote the success or defeat of a political party or principle or of any ballot proposal; (2) to aid or take part in the election or defeat of a candidate for public office; (3) to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any party position voted for at a primary election; or (4) to aid or defeat the nomination by petition of an independent candidate for public office [65].

The law recognizes two types of political committees of a political party: (1) a constituted committee (which is a state committee, a county committee, or a duly constituted subcommittee of a county committee) and (2) a party committee (which is a committee other than a constituted committee) [66].

A person, committee, or corporation making a contribution to a candidate or a political committee that has filed a statement designating a treasurer and depository is not, by that fact alone, deemed to be a political committee as defined above [67]. If a person, committee, or corporation solicits or expends funds for or on behalf of any specific candidates or political committee, it is deemed to be a political committee [68]. If a person, committee, or corporation merely accepts funds from a contributor that are forwarded in the contributor's name to a particular candidate or political committee as specified by the contributor, it would not itself constitute a political committee; however, if the person, committee, or corporation has the discretion to allocate contributed funds between candidates and political committees, it would itself constitute a political committee [69].

The statements of receipts and expenditures filed by a political committee also must set forth the total amount received by the committee from each contributor on behalf of all candidates supported by the committee and the amount of each such contribution allocated to each candidate by dollar amount and percentage [70].

Political committees supporting candidates for member of a county committee or political party or for delegate or alternate delegate to a judicial district convention may list the titles of the party positions in lieu of the names of the supported candidates and when allocating expenditures may combine as a single entry all expenditures made on behalf of the candidates for the party positions for whom no more than $50 has been expended [71].

The statements of receipts and expenditures by a treasurer of a political committee are filed with the state board of elections, except as follows:

(1) If the committee aided or took part solely in the election or defeat of a candidate for an office or position at the city or county level and that candidate is required to file statements with the board of elections of the city or county whose voters are to vote for the office or party position, the statements are filed with the appropriate local board of elections.

(2) If the committee aided or took part solely in the election or defeat of a candidate for an office or party position at the village level and that candidate is required to file statements with the village clerk, the statements are filed with the village clerk.

(3) If the committee promoted the success or defeat of a proposition submitted to vote at a public election held within a county or the City of New York, the statements are filed with the appropriate local board of elections [72].

The statements by the treasurer of the county committee of a political party and the treasurer of a duly constituted subcommittee of a county committee are filed with the board of elections of the county, except that if the committee aids or takes part in the election or defeat of a candidate for an office or party position at the state or multi-county level (e.g., governor, attorney general, state legislature member, and multi-county party position), a copy of the statement that includes expenditures for such candidate must also be filed with the state board of elections [73].

The statements of a political committee, other than a county committee of a political party, that supports or opposes candidates for offices at the state or multi-county level and in addition supports or opposes candidates for offices at the village, city, or county level are filed with the state board of elections. Copies of the pre- and post-election statements thereof are to be filed with the appropriate local filing offices, except that in those years in which such committee only supports or opposes candidates either for city or county level offices or for village offices, the committee need only file pre- and post-election statements with the appropriate local filing offices. The periodic statement required to be filed with the state board of elections by such committee on January 15th following a year in which the committee only supported candidates for county, city, town, or village offices must have attached to it a copy of the summary section of the 27-day post-election statement filed by the committee with the local filing offices in the preceding year [74].

B. Designation of a Political Committee Treasurer and Depository. Every political committee must have a treasurer and a depository and cause the treasurer to keep detailed, bound accounts of all receipts, transfers, loans, liabilities, contributions, and expenditures made by the committee or any of its officers, members, or agents acting under its authority or in its behalf. All accounts must be retained by a treasurer for a period of 5 years from the date of the filing of the final statement with respect to the election, primary election, or convention to which they pertain. No officer, member, or agent of any political committee may receive any receipt, transfer, or contribution, make any expenditure, or incur any liability until the committee has chosen a treasurer and depository and filed their names [75].

A statement giving the name and address of the treasurer chosen, the name and address of any person authorized by the treasurer to sign checks, the name and address of the depository chosen, and the candidates and ballot proposals the success defeat of which the committee is to aid or take part must be filed in the office in which the committee is required to file its statements of receipts and expenditures within 5 days after the choice of a treasurer and depository. However, the statement is not required of a constituted committee, and a political committee that makes no expenditures to aid or take part in the election or defeat of a candidate, other than in the form of contributions, is not required to list the candidates being supported or opposed by the committee. The statement must be signed by the treasurer and all other persons authorized to sign checks. Any change in the information required in the statement must be reported within two days after it occurs. Only a banking organization authorized to do business in the state may be designated a depository [76].

The requirement to file a statement designating a treasurer and depository does not apply to a political committee supporting or opposing candidates for state or local office that, pursuant to the laws of the United States, is required to file a statement or report of the campaign receipts, expenditures, and liabilities of such committee with an office or officer of the U.S. Government if (1) such committee makes no expenditures to aid or take part in the election or defeat of a candidate for state or local office other than in the form of contributions that do not exceed $1,000 in the aggregate in any calendar year and (2) a copy of the federal report that lists such contributions is filed with the appropriate board of elections at the same time that it is filed with the federal filing office or officer [77].

C. Statement of Receipts and Expenditures by the Treasurer Upon Resignation. Before a treasurer of any political committee may resign at a time when his committee has unexpended funds or unsatisfied liabilities, the treasurer must first deliver a copy of his written resignation to both the committee's chairman and the applicable filing officer for the committee's statements. The effective date of the resignation is 5 days after delivery to the filing officer unless the treasurer specifies a date later than 5 days. Within two days after the effective date of his resignation, the treasurer must file with the appropriate filing officer a statement of receipts and expenditures, including all transactions made by his committee from the date of the committee's last report up to and including the effective date of the treasurer's resignation [78].

Upon the effective date of resignation or death of a treasurer of a political committee, other than a party committee or a constituted committee, no member of the political committee or other person acting under its authority or in its behalf may receive any money or other valuable thing or expend the same until the committee has chosen a new treasurer and the treasurer's name and address have been filed with the appropriate filing officer [79].

D. Accounting by the Agent of a Political Committee or Candidate. An officer, member, or agent of a political committee or an agent of a candidate who receives any receipt, contribution, or transfer, makes any expenditure, or incurs any liability must, within 3 days after demand and in any event within 14 days, give to the treasurer of the committee or to the candidate if he is an agent authorized by the candidate a detailed account of the same, with all required vouchers [80]. Every payment required to be accounted for, unless the total expense payable to any one person is not more than $10, must be vouched for by a receipted bill stating the particulars of expense [81].

E. Political Committee Authorization Statement. A political committee aiding or taking part in the election or nomination of any candidate, other than by making contributions, must file in the office in which the statements of receipts and expenditures of the committee are to be filed a sworn verified statement by the treasurer of such committee that the candidate has authorized the political committee to aid or take part in his election or that the candidate has not authorized the committee to aid or take part in his election [82].

The requirement to file an authorization statement does not apply to a political committee supporting or opposing candidates for state or local office that, pursuant to the laws of the United States, is required to file a statement or report of the campaign receipts, expenditures, and liabilities of such committee with an office or officer of the U.S. Government if (1) such committee makes no expenditures to aid or take part in the election or defeat of a candidate for state or local office other than in the form of contributions that do not exceed $1,000 in the aggregate in any calendar year and (2) a copy of the federal report that lists such contributions is filed with the appropriate board of elections at the same time that it is filed with the federal filing office or officer [83].

V. POST-ELECTION REQUIREMENTS

A. Surplus Campaign Funds. Surplus campaign funds may be transferred to a constituted committee or party committee, prorated and returned to the donors, or held for use in a subsequent election campaign. Surplus campaign funds may also be used by an elected official for any lawful purpose, including defraying the ordinary and necessary expenses incurred in connection with his duties as the holder of an elected office [84].

VI. OFFENSES AND PENALTIES

A. Civil Penalty for Failure to File Required Statement. A person who fails to file a required statement is subject to a civil penalty of not more than $100, to be recovered in a special proceeding or civil action brought by the state board of elections or other board of elections [85].

B. Criminal Penalties. A person who knowingly and willfully fails to file a required statement within 10 days after the date provided for filing the statement or a person who knowingly and willfully violates any other of the campaign receipts and expenditures provisions is guilty of a misdemeanor [86].

A person who knowingly and willfully contributes, accepts, or aids or participates in the acceptance of a contribution in an amount exceeding the specified maximum is guilty of a misdemeanor [87].

A person who, acting on behalf of a candidate or political committee, knowingly and willfully solicits, organizes, or coordinates the formation of activities of one or more unauthorized committees, makes expenditures in connection with the nomination for election or the election of any candidate, or solicits any person to make any such expenditures for the purpose of evading the statutory contribution limitations is guilty of a class E felony [88].

An officer, director, stockholder, attorney, or agent of any corporation or joint-stock association that violates any of the provisions concerning corporate or joint-stock association contributions who participates in, aids, abets, advises, or consents to any such violations and any person who solicits or knowingly receives any money or property in violation of those provisions is guilty of a misdemeanor [89].

A police commissioner or police force officer or member who solicits, collects, or receives any money for a political fund, club, association, society, or committee is guilty of a misdemeanor [90].

C. Judicial Proceedings to Compel Compliance. The supreme court or a justice thereof in a proceeding instituted by any candidate voted for at the election or primary, by any 5 qualified voters, or by the state or other board of elections may compel by order (1) any person required to file a statement of receipts, expenditures, or contributions for campaign purposes who has not filed any such statement within the time prescribed to file the statement within 5 days after notice of the order; (2) any person required to file a statement of receipts, expenditures, or contributions for campaign purposes who has filed a statement that does not conform to the requirements of the law in respect to its truth, sufficiency in detail, or otherwise to file a new or supplemental statement that will make the statement true and complete within 5 days after notice of the order; and (3) any person or member of any committee that has failed to comply with the law to comply therewith [91].

VII. REGULATORY AGENCIES

A. State Board of Elections. The state board of elections has the power and duty to (1) issue instructions and promulgate rules and regulations relating to the administration of the election process, election campaign practices, and campaign financing practices consistent with the provisions of law; (2) conduct any necessary investigation; (3) conduct private or public hearings; (4) institute or direct a board of elections to institute judicial proceedings to enforce compliance with the campaign receipts and expenditures law; (5) prepare uniform forms for required statements; (6) study and examine the administration of elections within the state, including campaign financing, campaign financing reporting, and campaign practices; and (7) recommend legislation or administrative measures appropriate to promote fair, honest, and efficiently administered elections, including legislation to adjust contribution limitations [92].

The state board is the designated filing office for statements required to be filed by specified candidates and political committees. The state board is required to promulgate regulations with respect to the accounting methods to be applied in preparing statements required by the campaign receipts and expenditures law and to provide forms suitable for such statements [93]. The board is authorized to seek a civil penalty from a person who fails to file a required statement [94].

B. Local Boards of Elections. A county board of elections, city board of elections, or village clerk is the designated filing office for statements required to be filed by specified candidates and political committees and is authorized to seek a civil penalty from a person who fails to file a required statement [95].

REFERENCES

1. McKinney's Consolidated Laws of New York Annotated, Election Law (hereafter EL) § 14-100(9)(1)
2. EL § 14-100(9)(2)
3. EL § 14-100(10)
4. EL § 14-100(9)(3)
5. EL § 14-100(9)(3)
6. EL § 14-100(9)(3); State Board of Elections Formal Opinion (hereafter Bd. Op.) 1981-5 (July 27, 1981)
7. EL § 14-100(9)(3)(A)-(C)
8. EL § 14-114
9. EL §§ 14-100(9), (10); 14-114(1), (3); 14-124(2), (3); Bd Op. 1975-3 (1975)
10. EL § 14-114; Official Compilation of Codes, Rules & Regulations of the State of New York (hereafter Adm. Rule) § 6200.6(b)
11. Adm. Rule § 6200.6(a)
12. EL § 14-114(4)

13. EL § 14-114(8); Bd. Op. 1984-5 (October 31, 1984,
14. EL § 14-114(1)
15. EL § 14-114(1)
16. EL § 14-116; Bd. Op. 1975-5 (1975)
17. EL § 14-116; Bd. Op. 1978-9 (1978)
18. EL § 14-116; Bd. Op. 1975-5 (1975)
19. EL § 14-1167
20. EL § 14-128
21. EL § 14-120
22. EL § 14-118(2)
23. EL § 17-110(3)
24. EL § 17-112
25. EL § 17-154(4)
26. EL § 17-156
27. EL § 17-162
28. EL § 17-164
29. Bd. Op. 1981-5 (July 27, 1981)
30. EL § 14-130
31. EL § 14-118(2)
32. EL § 2-126
33. EL § 14-114(5)
34. Bd. Op. 1981-6 (November 25, 1981)
35. EL §§ 14-102(1); 14-104
36. Adm. Rule § 6200.5
37. EL § 14-124(4)
38. EL § 14-124(7)
39. EL § 14-124(6)
40. EL § 14-104
41. EL § 14-124(8)
42. EL § 14-124(5); Adm. Rule § 6200.3(a)
43. EL § 14-124(2)
44. EL § 14-124(2-a)
45. EL § 14-100(1)
46. EL §§ 14-102(1); 14-104
47. EL §§ 14-102(1); 14-104
48. Adm. Rule § 6200.6(b)
49. EL §§ 14-102(1); 14-104
50. EL § 14-106
51. Adm. Rule § 6200.4
52. EL § 14-108; Adm. Rule § 6200.2(a)
53. EL § 14-108; Adm. Rule § 6200.2(b), (e)
54. EL § 14-108; Adm. Rule § 6200.2(c)
55. EL § 14-108(2)
56. EL § 14-108(5)
57. EL § 14-108(6)
58. EL § 14-104
59. EL § 14-100(7)
60. EL §§ 14-104; 14-118(3)
61. EL § 14-110; Adm. Rule § 6200.1(a)(1)
62. EL § 14-110; Adm. Rule § 6200.1(a)(2)
63. EL § 14-110; Adm. Rule § 6200.1(a)(3)
64. EL § 14-102(1), (2)
65. EL § 14-100(1)
66. EL § 14-100(2)-(4)
67. EL § 14-100(1)
68. Bd. Op. 1975-2 (1975); Bd. Op. 1975-13 (December 18, 1975); Bd.Op. 1975-16 (October 24, 1975); Bd. Op. 1982-1 (January 8, 1982)
69. Bd. Op. 1975-16 (October 24, 1975); Bd. Op. 1982-1 (January 8, 1982)
70. EL § 14-114(4)
71. Adm. Rule § 6200.3(b), (c)
72. EL § 14-110; Adm. Rule § 6200.1(b)(1)-(3)
73. EL § 14-110; Adm. Rule § 6200.1(b)(4)
74. EL § 14-110; Adm. Rule § 6200.1(c)
75. EL § 14-118(1)
76. EL § 14-118(1)
77. EL § 14-124(2-a)
78. Adm. Rule § 6200.7(a)
79. Adm. Rule § 6200.7(b)
80. EL § 14-122(1)
81. EL § 14-122(2)
82. EL § 14-112
83. EL § 14-124(2-a)
84. Bd. Op. 1975-12 (September 3, 1975); Bd Bd Op. 1979-3 (1979)
85. EL § 14-126(1)
86. EL § 14-126(2)
87. EL § 14-126(3)
88. EL § 14-126(4)
89. EL § 14-116(1)
90. EL § 17-110(3)
91. EL § 16-114(1)-(3)
92. EL § 3-102
93. Adm. Rule § 6200.1; EL § 14-102(3)
94. EL § 14-126(1)
95. Adm. Rule § 6200.1; EL § 14-126(1)

CAMPAIGN FINANCE LAW
IN NORTH CAROLINA

I. INTRODUCTION

North Carolina has set a maximum limit of $4,000 for contributions by individuals or non-party political committees to candidates and political committees in an election. Contributions by corporations and other organizations are prohibited; however, the officials and members of these organizations may establish a separate segregated fund. Candidates, political committees, and referendum committees are required to file pre- and post-election political campaign reports of contributions and expenditures. Taxpayers may designate $1 of income tax paid for the use of political parties. An income tax deduction of not more than $25 is allowed for a political contribution and a newsletter fund contribution. Public funding of elections is available from two special election campaign funds for the support of political parties and their candidates. The state board of elections is responsible for administering the state campaign finance law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge, or subscription of money or anything of value whatsoever from any person or individual, whether or not made in an election year, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make a contribution in support of or in opposition to any candidate, political committee, referendum committee, or political party. A "contribution" includes, for example, labor or personal services, postage, publication of campaign literature or materials, in-kind transfers, loans or use of any supplies, office machinery, vehicles, aircraft, office space, or similar or related services, goods, or personal or real property. It also includes the proceeds of the sale of services, campaign literature and materials, wearing apparel, tickets or admission prices to campaign events such as rallies or dinners, and the proceeds of sale of any campaign-related services or goods. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, political committee, or referendum committee are not considered to be a contribution [1].

B. Maximum Contribution Amounts. No individual or non-party political committee may make a contribution of over $4,000 to any candidate or other political committee for an election. No candidate or non-party political committee may accept or solicit any contribution of over $4,000 from any individual or other political committee for an election; however, a candidate or a candidate's spouse, parents, brothers, and sisters may make a contribution to the candidate or to the candidate's treasurer of any amount in any election. An "election" is considered to be a primary, second primary, or general election in which the candidate or political committee may be involved, without regard to whether the candidate is opposed or unopposed in the election [2].

C. Contributions and Expenditures by Corporations, Labor Unions, and Other Organizations. No corporation, business entity, professional association, or insurance company, directly or indirectly, may:

(1) make any contribution or expenditure (except a loan of money by a national or state bank or federal or state savings and loan association made in accordance with applicable laws and regulations and in the ordinary course of business) in aid or behalf of or in opposition to any candidate or political committee in any election or for any political purpose whatsoever;

(2) pay, use, or offer, consent, or agree to pay or use any of its money or property for or in aid of or in opposition to any candidate or political committee, for or in aid of any person, organization, or association organized or maintained for political purposes, or for any political purpose whatsoever; or

(3) reimburse or indemnify any person or individual for any contribution or expenditure so made or for money or property so used.

No officer, director, stockholder, attorney, agent, or member of any such organization may aid, abet, advise, or consent to any such contribution or expenditure or for any person or individual to solicit or knowingly receive any such contribution or expenditure [3].

A corporation, business entity, labor union, professional association, or insurance company is permitted to communicate with its employees, stockholders, or members and their families on any subject and to conduct nonpartisan registration and get-out-the-vote campaigns aimed at its employees, stockholders, or members and their families [4].

D. Separate Segregated Fund of Corporation or Other Organization. The officials and employees of a corporation, insurance company, or business entity and the officials and members of a labor union or professional association may establish, administer, contribute to, and receive and solicit contributions for a separate segregated fund to be used for political purposes, and those officials and members are deemed to be a political committee. It is unlawful for any such fund to make a contribution or expenditure by using contributions secured (1) by actual or threatened physical force, job discrimination, or financial reprisals; (2) by dues, fees, or other monies required as a condition of membership or employment or as a requirement with respect to any terms or conditions of employment; or (3) by monies obtained in any commercial transaction whatsoever [5]. The political committee for the fund is entitled to receive and the parent entity of the employees or members who organized the committee is authorized to give reasonable administrative support and such other support as is reasonably necessary for the administration of the committee [6].

E. Acceptance of Corporate Contributions. A candidate, political committee, or political party or its treasurer may not accept a contribution made by any domestic or foreign corporation [7].

F. Disclosure Before Solicitation. Contributions may not be solicited or received for the purpose of supporting a candidate, political committee, referendum committee, or political party unless the solicitor first clearly advises those solicited (1) of the names of the candidates, political committees, political parties, or referendum committees for which the funds will be used or (2) that a decision will be reached later as to the candidates, political committees, or political parties to be supported and that the contributions solicited will be expended in a manner and for a purpose to be determined at a future date, but no later than 20 days prior to the pending primary or general election [8].

G. Candidate and Committee Contributions and Expenditures Through Certified Treasurer. Except in the case of independent contributions and expenditures by an individual other than a candidate, a contribution may not be received or expenditure made by or on behalf of a candidate, political committee, or referendum committee (1) until the candidate or committee appoints a treasurer and certifies his name and address to the state board of elections and (2) unless the contribution is received or expenditure made by or through the treasurer [9].

H. Contributions to or From a Referendum Committee. It is lawful for a business entity, corporation, insurance company, labor union, or professional association to contribute to a referendum committee [9]. No referendum committee that received any contribution from a corporation, labor union, insurance company, business entity, or professional association may make any contribution to another referendum committee, a candidate, or a political committee [11].

I. Nonresident Contributions. The treasurer of a candidate, political committee, or referendum committee may not accept a contribution of more than $100 from a nonresident unless it is accompanied by a written statement setting forth the name and address of each contributor [12].

J. Anonymous and Third-Party Contributions. A contribution made by any individual or person in the name of another individual or person or made anonymously may not be knowingly accepted by a candidate, political committee, referendum committee, political party, or treasurer. If such a contribution is received, the money must be paid over to the state board of elections by check, and all such moneys received by the board are to be deposited in the state general fund [13].

K. Contributions by Check. Monetary contributions in excess of $100 may not be made or accepted unless in the form of a check, draft, or money order [14].

L. State Employee Activities. No state employee subject to the Personnel Act or temporary state employee may use the authority of his position or utilize state funds, supplies, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations or to affect the results of the election [15]. No state employee or person appointed to state office, other than elective office or office on a board, commission, committee, or council whose function is advisory only, whether or not subject to the Personnel Act, may coerce a state employee, or a temporary state employee to support or contribute to a political candidate or party by threatening him with employment termination or discipline

or by promising preferential personnel treatment [16]. No person may coerce a state employee subject to the Personnel Act, probationary state employee, or temporary state employee to support or contribute to a political candidate or party by explicitly threatening him with employment termination or discipline [17]. Failure to comply with these requirements is grounds for disciplinary action, which in the case of deliberate or repeated violations may include dismissal or removal from office [18].

M. Booster Fund Contributions and Expenditures. All contibutions and expenditures from any "booster fund," "support fund," "unofficial office account," or any other similar source made to or in behalf of or used in support of an elective office holder for any political purpose are contributions and expenditures and must be reported [19].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is any purchase, advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge, or subscription of money or anything of value whatsoever from any person or individual, whether or not made in an election year, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure in support of or in opposition to any candidate, political committee, referendum committee, or political party [20].

B. Expenditures by Check. All expenditures for non-media expenses (except postage) of more than $50 and for media expenses must be made by check only. Expenditures for non-media expenses of $50 or less may be made by check or by cash payment [21].

IV. REPORTING REQUIREMENTS

A. General Provisions. Candidates for public office, political committees, and referendum committees are required to file political campaign reports, including an organizational report, treasurer appointment, and periodic reports of contributions and expenditures, to the appropriate filing officer; however, candidates for municipal and county offices in municipalities and counties under 50,000 population are not required to file these reports [22].

A "candidate" is any individual who with respect to a public office filled by election by the people on a statewide, county, municipal, or district basis has filed a notice of candidacy, has filed a petition requesting to be a candidate, has been certified as a nominee of a political party for a vacancy, or has otherwise qualified as a candidate in a manner authorized by law. Status as a candidate continues if the individual is receiving contributions to repay loans or cover a deficit or is making expenditures to satisfy obligations from an election already held [23].

A "political committee" is a combination of two or more individuals or any person, committee, association, or organization (1) whose primary or incidental purpose is support or oppose any candidate or political party or to influence or attempt to influence the result of an election; (2) that accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the nomination or election of any candidate at any election; (3) that receives contributions to repay loans or cover a deficit; or (4) that makes expenditures to satisfy obligations of an election already held. It includes a political party's state, county, or district executive committee [24].

A "referendum committee" is a combination of two or more individuals or any business entity, corporation, insurance company, labor union, professional association, committee, association, or organization (1) whose primary or incidental purpose is to support or oppose the passage of any referendum on the ballot or to influence or attempt to influence the result of a referendum; (2) that accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the outcome of any referendum; (3) that receives contributions to repay loans or cover a deficit; or (4) that makes expenditures to satisfy obligations of a referendum already held [25]. A "referendum" is any question, issue, or act referred to a vote of the people of the entire state by the general assembly and includes constitutional amendments and state bond issues [26].

The law regulating contributions and expenditures in political campaigns prescribes separate reporting requirements (1) for elections for statewide, district, or county offices and statewide referenda and (2) for elections for offices in incorporated cities, towns, or villages with a population over 50,000 [27].

The appropriate board of elections with which organizational reports and periodic reports of contributions and expenditures are filed is the state board of elections with respect to candidates for state and multi-county offices and statewide referenda and the county board of elections with respect to candidates for single-county district, county, and municipal offices [28].

B. Candidates and Political Committees in Non-Municipal Elections and Referendum Committees

1. Appointment of Treasurer. Each candidate, political committee, and referendum committee must appoint a treasurer and report the name and address to the appropriate board of elections. A candidate may appoint himself or any other individual as treasurer; however, if a candidate fails to designate a treasurer, it will be concluded that he appointed himself as treasurer. A candidate or committee may remove its treasurer. In the case of death, resignation, or removal of its treasurer before compliance with all obligations of a treasurer under the political campaign contributions and expenditures law, the candidate or committee must appoint a successor within 10 days of the vacancy and certify the name and address of the successor to the appropriate board of elections [29].

A treasurer may appoint assistant treasurers, who are authorized to act in the name of the treasurer. The treasurer is fully responsible for any acts committed by an assistant treasurer and is fully liable for any violation of the political campaign contributions and expenditures law committed by an assistant campaign treasurer [30].

The treasurer is required to keep detailed accounts, current within not more than 7 days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or committee, as appropriate [31].

2. Organizational Report. The treasurer of each candidate, political committee, and referendum committee must file an organizational report with the appropriate board of elections. This report must include the appointment of the treasurer, the statement of organization, and a report of all contributions and expenditures not previously reported. The report for a candidate or political committee must be filed no later than the 10th day following the day the candidate files his notice of candidacy or the 10th day following the organization of the political committee, whichever occurs first; the report of a referendum committee must be filed no later than the 10th day following the organization of the committee. Any candidate whose campaign is being conducted by a political committee that is handling all contributions and expenditures for his campaign must file a statement with the appropriate board stating such fact at the time required for the organizational report; thereafter, the candidate's political committee is responsible for filing all required reports [32]. Any change in the information previously submitted in a statement of organization must be reported to the appropriate board within a 10-day period following the change [33].

The statement of organization filed by the treasurer must (1) include the name, address, and purpose of the candidate or committee; (2) the names, addresses, and relationships of affiliated or connected candidates or organizations; (3) the territorial area, scope, or jurisdiction of the candidate or committee; (4) the name, address, and position of the custodian of books and accounts; (5) the name and party affiliation of the candidates supported or opposed and the offices involved; (6) the name of the referenda that the referendum committee supports or opposes and its position; (7) the name of the political committee or political party supported or opposed; (8) a listing of all banks, safety deposit boxes, or other depositories used; (9) the names and addresses of any assistant treasurers; and (10) any other information requested by the appropriate board of elections [34].

3. Periodic Reports of Contributions and Expenditures. Reports of contributions and expenditures, including the contribution and expenditure statement included in the organizational report, must set forth:

(1) Contributions, including contributions from contributors, events, and sales received by or on behalf of a candidate, political committee, or referendum committee. The statement must list the name and complete mailing address of each contributor of over $100, amount contributed, and date received. The total sum of all contributions to date must be plainly exhibited [35].

(2) Expenditures, including media and non-media expenditures, made by or on behalf of a candidate, political committee, or referendum committee. The statement must list the name and complete mailing address of each payee for media expenditures and for non-media expenditures of more than $50, amount

paid, purpose, and date of payment. The total sum of all expenditures to date must be plainly exhibited [36].

(3) Loans, including an addendum listing all proceeds derived from loans for funds used or to be used in the campaign, with the amount of each loan, source, period, rate of interest, security pledged, and all makers and endorsers [37].

Statements must reflect anything of value paid for or contributed by any person or individual, both as a contribution and expenditure [38].

Reports of contributions and expenditures by candidates or political committees are required to be submitted to the appropriate board of elections by the treasurer as follows: (1) pre-primary report--no later than the 10th day preceding the primary election; (2) post-primary report--no later than the 10th day after the primary election if the candidate was eliminated in the primary and, if there is a second primary--no later than the 10th day after the second primary election if the candidate was eliminated in the second primary; (3) pre-election report--not later than the 10th day preceding the general election; and (4) annual reports if contributions are received or expenditures made during a calendar year for which no reports are otherwise required--by January 7th of the following year [39].

Referendum committee reports must be filed with the appropriate board of elections as follows: (1) pre-referendum report--no later than the 10th day preceding the referendum; (2) final report--no later than the 10th day after the referendum; (3) supplemental final report if the final report fails to disclose a final accounting of all contributions and expenditures--no later than January 7th after the referendum and current through December 31st after the referendum; and (4) annual reports if contributions are received or expenditures made during a calendar year for which no reports are otherwise required--by January 7th of the following year [40].

Each report must be current within 7 days prior to the due date and must list all contributions received and expenditures made that have not been previously reported [41].

If no contribution is received or expenditure made by or on behalf of a candidate, political committee, or referendum committee during a reporting period, the treasurer must file a statement to that effect on the due date for the regular report. An inactive candidate or committee that files a report of inactivity does not have to file any additional contribution and expenditure reports so long as the candidate or committee remains inactive [42].

C. Reports by Candidates and Political Committees in Municipalities Over 50,000

1. Appointment of Treasurer. Each candidate and political committee in a municipal election regulated by the municipal campaign reporting law must appoint a treasurer and report the name and address of the treasurer to the county board of elections. A candidate may appoint himself or any other individual as his treasurer, including any relative except his spouse. If the candidate fails to designate a treasurer, he is deemed to have appointed himself. A candidate or committee may remove its treasurer [43].

2. Organizational Report. The organizational report of the candidate or political committee must state the bank account and number of the campaign fund. Each report also must reflect all contributions, expenditures, and loans made in behalf of a candidate. The organizational report must be filed with the county board of elections within 10 days after the candidate files a notice of candidacy with the board or within 10 days following the organization of the political committee, whichever occurs first [44].

3. Periodic Reports of Contributions and Expenditures. Periodic contribution and expenditure reports must be submitted to the county board of elections. Each report must be current within 7 days prior to the date the report is due and list all contributions received and expenditures made that have not been previously reported [45]. The reports must be submitted by the treasurer according to the following schedule:

(1) For an election conducted on a partisan basis: pre-primary report --no later than the 10th day preceding each primary election; pre-election report--10 days prior to the election unless a second primary is held and the candidate appeared on the ballot in the second primary, then 10 days before the second primary; and an annual report if contributions are received or expenditures made during a calendar year for which no reports are otherwise required--by January 7th of the following year [46].

(2) For an election conducted under the nonpartisan election and runoff basis: pre-election report--no later than 10 days prior to the election--and an annual report if contributions are received or expenditures made during a calendar year for which no reports are otherwise required--by January 7th of the following year [47].

(3) For an election conducted under the nonpartisan primary method: pre-primary report--10 days prior to the primary if the candidate is in a primary or 10 days prior to the election if the candidate is not in a primary--and an annual report if contributions are received or expenditures made during a calendar year for which no reports are otherwise required--by January 7th of the following year [48].

(4) For an election conducted under the nonpartisan plurality method: pre-election report--10 days prior to the election--and an annual report if contributions are received or expenditures made during a calendar year for which no reports are otherwise required--by January 7th of the following year [49].

D. Reports of Independent Contributions and Expenditures. An individual other than a candidate may make contributions or expenditures in support of or in opposition to any candidate, political committee, or referendum committee other than by contribution to the candidate or committee. If an individual makes contributions or expenditures, other than by contribution to a candidate or committee, in excess of $100, he must file a statement of the contribution or expenditure with the appropriate board of elections within 10 days after it was made [50].

E. Annual Reports of State Election Campaign Fund Expenditures. The state chairman of each political party and the treasurer of each candidate or political committee receiving funds from the North Carolina campaign election fund or the presidential election year candidates fund must maintain a full and complete record of their receipts and all expenditures and disbursements and by December 31st of each year in which funds were received file with the state board of elections an itemized statement reporting all receipts, expenditures, and disbursements from the date of the last report, with an attached verification that all such funds received were expended in accordance with the laws [51].

If the executive secretary of the state board of elections determines that any such funds were not disbursed or expended lawfully, he must order the recipient to reimburse the amount improperly expended or disbursed to the state general fund and no further disbursements from the special fund may be received until reimbursement has been made in full [52].

V. PUBLIC FINANCING PROVISIONS

A. Establishment of Special Funds. All funds designated by taxpayers with an income tax liability of $1 or more ($1 per taxpayer) for the use of eligible political parties are remitted quarterly by the secretary of revenue to the state treasurer for deposit in an interest-bearing account known as the "North Carolina election campaign fund" [53].

In each year in which no general election is held, the state treasurer must place 50% of the then available money credited to the account of each political party in the election campaign fund into a separate interest-bearing account known as the "presidential election year candidates fund of the (name of the party) party" upon application by the state chairman of a political party for payment of money credited to the party's account in the election campaign fund [54].

B. Allocation of Money in the Election Campaign Fund. The money deposited in the election campaign fund is credited to eligible political parties on a pro rata basis according to their respective party voter registrations in the most recent certification of the state board of elections; however, no political party with less than 1% of the total number of registered voters in the state may receive any money from the fund, and the registration of such parties is not included in calculating the pro rata distribution. An eligible political party is (1) a party that at the last preceding general state election received at least 10% of the entire vote cast for governor or for presidential electors or (2) a group of voters who by July 1st of the preceding calendar year had qualified as a new political party [55].

C. Disbursement of Money in Special Funds

1. Non-General Election Year. In each year in which no general election is held, the state chairman of a political party in whose behalf funds have been deposited in the election campaign fund may apply between August 1st and September 1st to the state treasurer for payment of not more than 50% of the then available funds (including any interest earned) credited to the party's account. The state treasurer must pay over the amount requested and

place 50% of the available funds in the party's presidential election year candidates fund for future disbursement [56]. After the distribution of money from the election campaign fund has been completed, any remaining funds of a political party in the hands of the state treasurer must thereafter be held by him until eligible for future distribution [57]. In each year in which no general election is held, the state chairman of every political party must disburse to the political party all funds received from the election campaign fund [58].

2. General Election Year. Following the conclusion of the last primary or nominating convention held by a political party in a general election year, the state chairman of the political party may apply to the state treasurer for the disbursement of the funds (including any interest earned) deposited on behalf of the party in the election campaign fund. The state treasurer must forthwith and every 30 days thereafter pay over all funds held by the state treasurer on behalf of the party until 30 days after the state board of elections has certified all of the results of the general election to the secretary of state. In addition, upon receipt of the application from the state chairman of a political party in a presidential election year, the state treasurer must pay over to the state chairman all money currently held in the party's presidential election year candidates fund. After the distribution of the money from the special funds has been completed, any remaining funds of the political party in the hands of the state treasurer must thereafter be held by him until eligible for future distribution [59].

In a non-presidential general election year, the state chairman of each political party must disburse to that political party 50% of all money received from the election campaign fund, and the remaining 50% of the money must be allocated to a special committee of the political party and used, in the sole discretion of the committee, for a permitted purpose. If the special party committee allocates money to a candidate, it must be disbursed by the state chairman of the party only to the treasurer of the candidate or political committee conducting the candidate's campaign. A candidate may elect to decline in whole or in part any money that a political party chooses to distribute to the candidate [60].

During a presidential general election year, the state chairman of a political party is required to disburse the money received from both the election campaign fund and the party's presidential election year candidates fund in the same manner and under the same conditions as disbursements from the election campaign fund are made in a non-presidential general election year [61].

D. Use and Reporting of Special Fund Disbursements. Money distributed from the special campaign funds of a political party may be expended only for legitimate campaign expenses of the party or a candidate, including, for example, (1) radio, television, newspaper, and billboard advertising; (2) leaflets, fliers, buttons, and stickers; (3) campaign staff salaries, (4) travel expenses, lodging, and food for a candidate and staff, (5) expenses to ensure compliance with federal and state campaign finance and reporting laws; (6) contributions to or expenses on behalf of candidates of the party; and (7) party headquarters operations related to upcoming general elections [62].

No person, candidate, political committee, or political party may use, either directly or indirectly, any part of funds distributed from the North Carolina election campaign fund or the presidential election year candidates fund of any political party (1) for the support or assistance of any candidate in a primary election, (2) for the support or assistance relating to the selection of a candidate at a political convention or by the executive committee of a party, (3) for the payment or repayment of any debt or obligation of any kind incurred in a primary election or in the selection of a candidate at a political convention or by the executive committee of a party, or (4) for the support, promotion, or opposition of any referendum, bond election, or constitutional amendment [63].

VI. TAX PROVISIONS

A. Taxpayer Designation for Election Campaign. Every individual whose income tax liability for the taxable year is $1 or more may designate on his income tax return that $1 of the amount of tax paid by him to the state department of revenue thereafter be paid by the secretary of revenue to the state treasurer for the use of eligible political parties. The secretary of revenue is required to amend the income tax return in order that all taxpayers desiring to make the authorized political contribution may do so by designating so on the front face of the tax return, and the tax return or accompanying explanatory instructions must readily indicate that any such designation neither increases nor decreases an individual's tax liability [64].

B. Taxpayer Income Tax Deduction for Political Contribution or Newsletter Fund Contribution. In computing net income for income tax purposes, a deduction of not more than $25 is allowed for any political contribution or newsletter fund contribution that is paid by a taxpayer within the taxable year. A "political contribution" is a contribution or gift of money to a candidate for elective public office; a political committee, association, or organization organized and operated exclusively to influence the nomination or election of one or more candidates for elective public office for use in furthering such candidacies; or a national, state, or local committee of a national political party. A "newsletter fund contribution" is a contribution or gift of money to a fund established and maintained by an individual who holds elective public office or by a candidate for elective public office for use by the individual exclusively for the preparation and circulation of a newsletter [65].

VII. OFFENSES AND PENALTIES

A. Criminal Penalties. An individual, candidate, political committee, referendum committee, treasurer, person, or medium that violates the provisions of the regulations on political campaign contributions and expenditures (Article 22A) is guilty of a misdemeanor and, in the case of most violations, must be fined not more than $1,000 if an individual or $5,000 if other than an individual, imprisoned for not more than one year, or both [66]. Whenever a board of elections has knowledge of or has reason to believe there has been a criminal violation, it must report that fact, together with accompanying details, to the appropriate district attorney [67].

A person who violates the law concerning political contributions and support by or from state employees subject to the Personnel Act is guilty of a misdemeanor [68].

B. Election-Related Penalties. A declaration of nomination and a certificate of election may not be granted to any candidate until he or his treasurer has filed all required statements [69].

C. Injunctive Relief. The superior courts of the state have jurisdiction to issue injunctions or grant any other equitable relief appropriate to enforce the provisions of the law regulating political campaign contributions and expenditures upon application by any registered voter of the state [70].

D. Penalty for Late Filing. If a required report, statement, or other document is not filed on time, a late penalty of $20 per day for not to exceed 5 days for each day that the filing is late must be paid to the state board of elections. If the penalty has not been paid or the report has not been filed with the appropriate board of elections within 5 days after receipt of notification of the failure, the board must report the late filing or failure to file to the appropriate district attorney for prosecution [71].

VII. REGULATORY AGENCIES

A. State Board of Elections. The state board of elections is the appropriate filing office for election campaign reports concerning candidates for state and multi-county offices and statewide referenda [72]. The board has the duty and power (1) to prescribe and furnish required forms; (2) to prepare, publish, and distribute a manual on the election campaign reporting law; (3) to prescribe a uniform system of accounts; (4) to make investigations to the extent it deems necessary with respect to statements filed and alleged failure to file any required statement and upon voter complaint with respect to alleged violations; (5) after investigation, to report apparent violations to the proper district attorney; (6) to require county boards of election to hold hearings, make investigations, and make reports to the state board if deemed necessary [73].

The executive secretary-director of the state board must (1) cause each statement filed with the board to be inspected within 30 days after filing; (2) advise each candidate or treasurer whose organizational report has been filed of the specific date each required report is due 5-30 days before the due date; (3) immediately notify any individual, candidate, treasurer, political committee, referendum committee, or media required to file a statement if no statement or a non-conforming statement has been filed; (4) issue written rulings to candidates upon request (written rulings may be issued to the communications media, political committees, and referendum committees); and (5) cause the required statements filed with the board to be examined and determine within 4 months after the date of each election or referendum whether the statements conform to law and to the truth [74].

B. County Board of Elections. The county board of elections is the appropriate filing office for political campaign reports concerning candidates for single-county district, county, and municipal offices [75]. The supervisor of of the board must advise each municipal candidate or treasurer whose organizational report has been filed of the specific date each required report is due within 5-15 days before the due date and must immediately notify an individual candidate, treasurer, or political committee to file a statement if no statement or a non-conforming statement has been filed [76]. The county board is also required to investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons and to report violations to the state board of elections [77].

REFERENCES

1. General Statutes of North Carolina (hereafter GSNC) § 163-278.6(6)
2. GSNC § 163-278.13(a)-(e)
3. GSNC § 163-278.19(a)
4. GSNC § 163-278.19(b)
5. GSNC § 163-278.19(b)
6. GSNC § 163-278.19(e)
7. GSNC § 163-278.15
8. GSNC § 163-278.20(a)
9. GSNC § 163-278.16(a)
10. GSNC §§ 163-278.19A; 163-278.6(13)
11. GSNC § 163-278.13(e1)
12. GSNC § 163-278.8(c)
13. GSNC §§ 163-279.14(a); 163.278.8(d)
14. GSNC § 163-278.14(b)
15. GSNC § 126-13(a)(2)
16. GSNC § 126-14
17. GSNC § 126-14.1
18. GSNC § 126-15
19. GSNC § 163-278.36
20. GSNC § 163-278.6(9)
21. GSNC § 163-278.8(e), (f)
22. GSNC §§ 163-278.6--163-278.10; 163-278.40--163-278.40E; for reporting exclusions see § 163-278.16(18)
23. GSNC § 163-278.6(4), (18)
24. GSNC § 163-278.6(14)
25. GSNC § 163-278.6(18b)
26. GSNC § 163-278.6(18a)
27. GSNC §§ 163-278.6--163-278.10; 163-278.406--163-278.40E
28. GSNC §§ 163-278.6(1); 163-278.40(1)
29. GSNC § 163-278.8(a), (d)
30. GSNC § 163-278.7(b)
31. GSNC § 163-278.8(a)
32. GSNC §§ 163-278.9(a)(1); 163-278.9A(a)(1)
33. GSNC § 163-278.7(c)
34. GSNC § 163-278.7(b)
35. GSNC §§ 163-278.11(a)(1); 163-278.8(d)
36. GSNC §§ 163-278.11(a)(2); 163-278.8(e), (f)
37. GSNC §§ 163-278.11(a)(3); 163-278.8(g)
38. GSNC § 163-278.11(b)
39. GSNC § 163-278.9(a)(2)-(4), (6)
40. GSNC § 163-278.9A(a)(2)-(4)
41. GSNC §§ 163-278.9(b); 163-278.9A(b)
42. GSNC § 163-278.10
43. GSNC 163-278.40A(a)
44. GSNC § 163-278.40A(b)
45. GSNC § 163-278.40G
46. GSNC § 163-278.40B(1), (2), (4)
47. GSNC § 163-278.40C(1), (3)
48. GSNC § 163-278.40D(1), (3)
49. GSNC § 163-278.40E(1), (3)
50. GSNC §§ 163-278.6(1); 163.278.12
51. GSNC § 163-278.43(a), (b)
52. GSNC § 163-278.43(b)
53. GSNC § 105-159.1(a), (b)
54. GSNC § 163-278.41(c)
55. GSNC § 105-159.1(a)
56. GSNC §§ 163-278.41(c); 105-159.1(b)
57. GSNC § 163-278.41(a), (b)
58. GSNC § 163-278.42(c)
59. GSNC § 163-278.41
60. GSNC § 163-278.42(b), (d)
61. GSNC §§ 163-278.41(a), (c); 163-278.42(a), (d)
62. GSNC § 163-278.42(e)
63. GSNC § 163-278.42(g)
64. GSNC § 105-159.1(a), (d)
65. GSNC § 105-147(27)
66. GSNC § 163-278.27(a); see also §§ 163-278.13(f); 163-278.19(c); 163-278.20(b)
67. GSNC § 163-278.27(b)
68. GSNC §§ 163-13(a); 163-14(b); 163-14.1(b)
69. GSNC § 163-278.25
70. GSNC§ 163-278.28(a)
71. GSNC § 163-278.34(a)
72. GSNC §§ 163-278.6--163.278.12
73. GSNC § 163-278.22
74. GSNC §§ 163-278.23; 163-278.24
75. GSNC §§ 163-278.6(1); 163-278.40--163-278.40E
76. GSNC § 163-278.40H
77. GSNC § 163-33(3)

CAMPAIGN FINANCE LAW
IN NORTH DAKOTA

I. INTRODUCTION

North Dakota requires candidates for statewide or legislative office who receive contributions in excess of $100 in a calendar year and political parties that receive contributions in excess of $100 and contribute money to a statewide or legislative office candidate in excess of $100 in a calendar year to file periodic statements of contributions and expenditures. A corporation, cooperative corporation, or association may not make direct contributions or expenditures other than for the passage or defeat of measures, but may form a political committee to establish and administer a separate segregated fund for political purposes. A political committee that administers a separate segregated fund must file periodic statements of contributions and disbursements. The secretary of state is responsible for administering the campaign finance and corrupt practices provisions of the state election code.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of a Contribution. A "contribution" is a gift, subscription, loan, advance, or deposit of money made for the purpose of influencing the nomination for election or election of any person to office. The term "contribution" also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above-listed purposes and includes funds received by a political committee that are transferred to that committee from another political committee or other source. The term does not include (1) a loan of money from a bank or other lending institution made in the regular course of business, (2) time spent by volunteer campaign or political party workers, (3) money spent by a candidate on his own behalf, or (4) any money received from a district or state committee of a political party, except for reportable contributions of money to a candidate in excess of $100 [1].

B. Contribution by a Corporation, Cooperative Corporation, or Association. A corporation, cooperative corporation, or association may not make a direct contribution (1) to aid any political party, political committee, or organization; (2) to aid any corporation or association organized or maintained for political purposes; (3) to aid any candidate for political office or for nomination to such office; (4) for any political purpose, that is, an activity in support of or in opposition to the nomination or election of a candidate; (5) for the reimbursement or indemnification of any person for money or property used for a political purpose; or (6) for the influencing of any measure before the legislative assembly, except as specifically authorized [2].

A corporation, cooperative corporation, or association is not prohibited from exercising the right to make contributions, as well as expenditures, for the purpose of promoting the passage or defeat of initiated or referred measures or for promoting any general political philosophy or belief deemed in the best interest of its employees, stockholders, patrons, or members other than a "political purpose" [3].

C. Contributions to a Separate Segregated Fund of a Political Committee. A corporation, cooperative corporation, or association may form a political committee to establish, administer, and solicit contributions to a separate and segregated fund to be utilized for political purposes, that is, for activities in support of or in opposition to the election or nomination of a candidate [4]. A "political committee" is any committee, club, association, or other group of persons that receives contributions or makes expenditures for political purposes [5].

A "candidate" who may be supported or opposed by a political committee includes (1) any person whose name is presented for nomination to public office at any primary election or convention, whether the person is actually nominated or not, (2) any person whose name is printed as a candidate on an official ballot used at any election, or (3) any person who seeks election through write-in votes [6].

A "contribution" that may be solicited and accepted by a political committee includes a gift of money or property, subscription, loan, advance, or deposit of money (except a loan of money from a bank or other lending institution made in the regular course of business) made for the purpose of influencing the nomination for election or election of any person to office. The term "contribution" also includes a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes as well as funds received by a political committee that are transferred to that committee from another political committee or other source [7].

The solicitation of contributions to and acceptance of contributions by a separate and segregated fund must meet the following requirements:

(1) The persons controlling a fund may not make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; utilizing money from dues, fees, treasury funds, or other money required as a condition of membership in an association or as a condition of employment; or utilizing money obtained in any commercial transaction; however, money from fees, dues, treasury funds, or money obtained in a commercial transaction may be used to pay the costs of administration of the fund.

(2) A person soliciting an employee, stockholder, patron, or member for a contribution to a fund must inform the employee or member of the political purposes of the fund at the time of the solicitation or of the general political philosophy intended to be advanced through committee activities.

(3) A person soliciting an employee or member for a contribution to a fund must inform the employee or member at the time of the solicitation of his right to refuse to contribute without any reprisal.

(4) A contribution may not be accepted without keeping an accurate record of the contributor, the amount contributed, and the amounts expended for political purposes.

(5) No contribution may be accepted from any person who is not an employee, stockholder, patron, or member of the corporation, cooperative corporation, or association maintaining the political committee [8].

D. Contributions in Name of Contributor. A person may not make a payment of his own money or of another person's money to any other person for a political purpose in any name other than that of the person who supplies such money, and a person may not knowingly receive the payment or enter or cause the payment to be entered in his account or record in any name other than that of the person by whom it actually was furnished [9].

III. EXPENDITURE LIMITATIONS

A. Expenditures From a Separate Segregated Fund of a Political Committee. The political committee formed by a corporation, cooperative corporation, or association to establish, administer, and solicit contributions to a separate and segregated fund may make expenditures for political purposes, that is, to support or oppose the nomination or election of a candidate for public office [10]. An accurate record of the amounts expended for political purposes must be maintained by the committee [11].

An "expenditure" or disbursement that may be made by a political committee includes (1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or property (except a loan of money from a bank or other lending institution made in the regular course of business) made for the purpose of influencing the nomination for election or election of any person to office; (2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and (3) the transfer of funds by a political committee to another political committee [12].

B. Expenditures by a Corporation, Cooperative Corporation or Association. A corporation, cooperative corporation, or association may make expenditures, as well as contributions, for the purpose of promoting passage or defeat of initiated or referred measures or for promoting any general political philosophy or belief deemed in the best interest of its employees, stockholders, patrons, or members other than a "political purpose" [13].

C. Use of State Property or Services. Property belonging to or leased by or any service that is provided to or carried on, either directly or by contract, by the state may not be used for any political purpose. A "political purpose" is any activity directly undertaken by a candidate for any office in support of his own election to such office or any aid and assistance to a candidate, political party, political committee, or organization, but does not include activities undertaken in the performance of a duty of state office [14].

D. Payment to Influence Editorial Position. Paying of the owner, editor, publisher, or agent of newspaper to advocate or oppose a candidate editorially is prohibited. A person may not pay or give anything of value to the owner, editor, publisher, or agent of any newspaper, other periodical, or radio or television station to induce him to advocate or oppose editorially any candidate for nomination or election, and the owner, editor, publisher, or agent may not accept such inducement [15].

IV. REPORTING REQUIREMENTS

A. Statements of Contributions

1. General Provisions. A candidate for public office who receives contributions and a political party that receives contributions and contributes money to a candidate are required to file periodic statements of contributions with the secretary of state or the county auditor [16].

A "candidate," for the purpose of determining who must file a statement of contributions, is (1) an individual whose name is presented for nomination to public office at any primary election whether the individual is actually nominated or not, (2) an individual whose name is printed as a candidate on an official ballot used at any election, (3) an individual who seeks election through write-in votes, (4) an individual who is soliciting or accepting campaign contributions for his own political purpose, or (5) an individual who has sought election to office and is soliciting or accepting contributions to pay off any campaign debt or to raise money for any political purpose [17].

A "political committee" is any committee, club, association, or other group of persons that receives contributions primarily for political purposes [18].

A statement of contributions must be verified by the oath or affirmation of the person filing the statement and is deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state or county auditor; however, in the event it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state or county auditor of its non-receipt [19].

2. Candidates for Statewide or Legislative Office

Original Statement. A candidate for a public office, that is, a statewide or legislative office to which persons may be elected by a vote of the people, at any general, primary, or special election or any candidate who is seeking or has sought a public office and is soliciting or accepting contributions for any political purpose must make and file a statement of contributions if the candidate received any contributions in excess of $100 during the calendar year [20]. A "political purpose" is any activity undertaken in support of or in opposition to the election or nomination of a candidate [21].

Each statement must contain a detailed statement of all contributions received from each individual or political committee that exceed $100 in the aggregate for the calendar year and include the name and mailing address of all contributors listed. All statements filed must be consecutive and, taken together, cover the entire calendar year's receipts up through the cutoff date for each statement. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated [22].

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A statement must be filed no later than the 10th day prior to the date of the general, primary, or special election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes and be complete from the beginning of the calendar year through the 15th day prior to the date of the election. A complete statement for the entire calendar year must be filed no later than January 30th of the following calendar year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes [23].

A statement of a state legislative candidate is filed in the office of the county auditor of the candidate's county of residence. A statement of a state office candidate is filed in the office of the secretary of state [24].

Supplemental Statement for a Large Late Contribution. If a statewide or legislative office candidate receives any contribution of $500 or more in the 15- day period prior to any general, primary, or special election from any individual contributor, the candidate must make and file a supplemental statement in the same form as required for an original statement stating the name and street address of the contributor and the amount of the contribution. The statement must be filed in the appropriate office within 48 hours of the receipt of the contribution [25].

3. Political Parties. A political party that receives contributions in excess of $100 and contributes money to a statewide or legislative office candidate in excess of $100 must, within 15 days of the close of the calendar year, file a statement (1) listing the total amount contributed to or expended on behalf of candidates or (2) containing a detailed list of all contributions received from an individual or political committee that exceed $100 in amount and including the name and mailing address of all contributors listed. The statement must be filed with the secretary of state no later than January 30th following the close of the calendar year that is the subject of the statement [26].

B. Statement of Contributions to and Disbursements From a Separate Segregated Fund of a Political Committee. A political committee formed for the purpose of administering a separate, segregated fund to be used for political purposes by a corporation, cooperative corporation, or association must file a statement listing all contributions of over $100 in the aggregate received from each contributor for the 12-month period beginning October 1st and ending September 31st of the following year, showing the name and mailing address of each contributor of an amount in excess of $100 in the aggregate for each such 12-month period and listing all disbursements over $100 in the aggregate made for political purposes. The statement must be filed with the secretary of state no later than October 15th following each 12-month period. Within 30 days of the close of the calendar year, a political committee must file a supplemental statement for the last three months of the year [27].

V. OFFENSES AND PENALTIES

A. Corrupt Practices. It is a corrupt practice for a person to willfully engage in the following: (1) use of state property or services for political purposes or the expenditure of any money or anything of value to a newspaper, other periodical, or radio or television station to induce editorial advocacy of or opposition to a candidate [28].

A person who is guilty of a corrupt practice for which another penalty is not specifically provided is guilty of a class A misdemeanor. If a person is found guilty of a corrupt practice, he must be punished by being deprived of his government job or having his nomination or election declared void, as the case may be. A person who is already in office and who has entered upon the discharge of his duties may not be removed from office if the office is subject to the impeachment provisions of the state constitution [29].

B. Violation of Filing Requirements. A person who willfully violates the provisions concerning the filing of statements of contributions by candidates and political parties is guilty of an infraction [30].

C. Violation by a Corporation, Cooperative Corporation, Association, or Political Committee Administering a Separate Segregated Fund. It is a class A misdemeanor for an officer, director, stockholder, attorney, agent, or representative of any corporation, cooperative corporation, or association to violate or to counsel or consent to any violation of any of the provisions concerning (1) contributions by corporations, cooperative corporations, and associations, (2) the operation of a separate, segregated fund by a political committee, and (3) the filing of contribution and disbursement statements by a political committee. Any person who solicits or knowingly receives any contribution in violation of these provisions is guilty of a class A misdemeanor [31].

VI. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is the designated officer for receipt of statements of contributions from a state office candidate and a political party and a statement of contributions and disbursements from a political committee administering a separate, segregated fund [32]. The secretary of state may arrange an audit of any statement filed and must arrange an audit of any statement that the attorney general requests to be audited. The results of the audit must be reported to the attorney general [33].

REFERENCES

1. North Dakota Century Code (hereafter NDCC) § 16.1-.08.1-01(2)
2. NDCC §§ 16.1-08-02(1); 16.1-08-01(10)
3. NDCC § 16.1-08-04
4. NDCC §§ 16.1-08-01(8), (10); 16.1-08-02(2)
5. NDCC § 16.1-08-01(8)
6. NDCC § 16.1-08-01(2)
7. NDCC § 16.1-08-01(3)
8. NDCC § 16.1-08-02(1)
9. NDCC § 16.1-08-02(4)
10. NDCC §§ 16.1-08-01(8), (10); 16.1-08-02(2)
11. NDCC § 16.1-08-02(2)(d)
12. NDCC § 16.1-08-01(5)
13. NDCC § 16.1-08-04
14. NDCC § 16.1-10-02
15. NDCC § 16.1-10-05
16. NDCC § 16.1-08.1-02; 16.1-08.1-03
17. NDCC § 16.1-08.1-01(1)
18. NDCC § 16.1-08.1-01(4)
19. NDCC § 16.1-08.1-06
20. NDCC §§ 16.1-08.1-02; 16.1-08.1-01(7)
21. NDCC § 16.1-08.1-01(6)

22. NDCC § 16.1-08.1-02
23. NDCC § 16.1-08.1-02
24. NDCC § 16.1-08.1-02
25. NDCC § 16.1-08.1-04
26. NDCC § 16.1-08.1-03
27. NDCC § 16.1-08-02(3)
28. NDCC §§ 16.1-10-01; 16.1-10-02; 16.1-10-5
29. NDCC §§ 16.1-10-07; 16.1-10-08
30. NDCC § 16.1-08.1-07
31. NDCC § 16.1-08-02(7), (8)
32. NDCC §§ 16.1-08-02(3); 16.1-08.1-02; 16.1-08.1-03
33. NDCC §§ 16.1-08-02(3)(b); 16.1-08.1-05

CAMPAIGN FINANCE LAW
IN OHIO

I. INTRODUCTION

Ohio requires campaign committees, political committees, and political parties to file pre-election, post-election, and annual statements of contributions and expenditures. The persons or committees in charge of a campaign for or against a proposition or issue also must file statements of contributions and expenditures. For-profit corporations are not permitted to contribute to political parties, political committees, and candidates. The secretary of state is responsible for the administration and enforcement of the state campaign finance law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" required to be reported is a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, transfer of funds, or transfer of anything of value, including real estate, and the payment by any person other than the person to whom services are rendered for the personal services of another person that is made, received, or used for the purpose of influencing the results of an election. The term "contribution" does not include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a person, ordinary home hospitality, and the personal expenses of a volunteer paid for by that volunteer campaign worker [1]. "Personal expenses" include but are not limited to ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone [2].

B. Contributions Received by a Candidate Campaign Committee. A candidate must designate a campaign treasurer before receipt by his campaign committee of any contribution by or on behalf of the candidate. A campaign committee may not receive a contribution other than through the campaign treasurer [3].

C. Contributions by a Corporation. A corporation engaged in business in the state (i.e., a "for-profit" corporation) may not, directly or indirectly, (1) pay, use, offer, advise, consent, or agree to pay or use the corporation's money or property for or in aid of a political party, committee, or organization, for or in aid of a candidate for political office, or for a nomination for political office; (2) use such money or property for any other partisan political purpose; or (3) violate any law requiring the filing of an affidavit or statement respecting the use of such funds. An officer, stockholder, attorney, or agent of a corporation may not (1) violate the provisions prohibiting corporate political contributions; (2) participate in, aid, or advise a violation; or (3) solicit or knowingly receive money or other property in violation of the corporate contribution provisions [4].

D. Contributions in Cash. No person may make cash contributions to any person totaling more than $100 in each primary, special, or general election [5].

E. Concealment or Misrepresentation of Contributions. No person may knowingly conceal or misrepresent contributions given or received or expenditures made in connection with an election [6].

F. Contributions for Illegal Purposes. No person may, directly or indirectly, in connection with any election, pay, lend, contribute, or offer or promise to pay, lend, or contribute any money or other valuable consideration in the election or defeat of any candidate or the adoption or defeat of any question or issue for any purposes other than those authorized in the provisions of the election code relating to matters not considered to be a contribution or expenditure and in the provisions relating to the reporting of contributions and expenditures in connection with a proposition or issue [7].

G. Solicitation of Contributions From Candidate or Campaign Committee. No person or committee may solicit, ask, invite, or demand, directly or indirectly, orally or in writing, any contribution, subscription, or payment from any candidate for nomination or election or his campaign committee, and no person may solicit, ask, invite, or demand that the candidate or campaign committee subscribe to the support of any club or organization, buy tickets to any entertainment, ball, supper, or other meeting, or pay for space in any book, program, or publication. This prohibition does not apply to regular advertisements in periodicals having an established circulation, to regular payments to civic, political, fraternal, social, charitable, or religious organizations of which the candidate was a member or contributor 6 months before his candidacy, or to regular party assessments made by a party against its own candidates [8].

H. Solicitation of Contributions By or From Classified Service Personnel. An officer or employee in the classified service of the state or a county, city, city school district, or civil service township may not, directly or indirectly, orally or by letter, solicit, receive, or be in any manner concerned in soliciting or receiving an assessment, subscription, or contribution for any political party or for any candidate for public office nor may any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting an assessment, contribution, or payment from any officer or employee in the classified service [9].

I. Contributions Deducted From Employee Wages or Salaries. An employer, including a for-profit corporation, may deduct from the wages and salaries of its employees such amounts for the support of candidates, political parties, or issues as the employee by written authorization may designate and must transmit the amounts deducted as directed by the authorization [10].

The employer may either deduct from the amount to be transmitted a uniform amount determined by the employer to be necessary to defray the actual cost of making such a deduction and transmittal or may utilize its own funds in an amount it determines is necessary to defray the actual administrative cost, including making the deduction and transmittal [11].

J. Contributions From a Medicaid Provider. A candidate for attorney general or county prosecutor or his campaign committee may not knowingly accept a contribution from a provider of services or goods under contract with the department of public welfare pursuant to the medicaid program of Title XIX of the "Social Security Act" or from a person having an ownership interest in the provider [12].

K. Solicitation, Acceptance, and Making of Contributions by and for Judicial Candidates and Campaign Committees. A candidate for judicial office may not contribute to his political party in the year in which he is a candidate for election or re-election. A candidate for judge, including an incumbent judge, for a judicial office that is filled by public election between competing candidates should not himself solicit or accept campaign funds. A candidate for a judicial office, including an incumbent judge, should not solicit or receive any assessment, subscription, or contribution for any political or personal purpose whatsoever from any employee, appointee of the court, or anyone who does business with the court and should discourage public officials, appointees, or employees subject to his direction and control from soliciting or accepting campaign fund contributions for him [13].

A candidate, including an incumbent judge, for a judicial office that is filled by public election between competing candidates may establish a committee of responsible persons to secure and manage the expenditure of funds for his campaign. The committee should not, directly or indirectly, solicit or receive any assessment, subscription, or contribution for any political or personal purpose whatever from any employee, appointee of the court, or anyone who does business with the court, but may solicit campaign contributions from lawyers. A candidate's committee may solicit funds for his campaign no earlier than 120 days before a primary election and no later than 120 days after the last election in which he participates during the election year [14].

Civic organizations, bar associations, or dully constituted and lawfully elected political party organizations may raise funds and make expenditures in behalf of judicial candidates [15].

The personal expenses of a judicial candidate paid for by the candidate from his personal funds are not to be considered as a contribution or expenditure by the candidate for his own campaign [16].

L. Improper Acquisition of Compensation or Contributions From Public Employees. No public servant for his own personal use and no person for his own personal use or for the personal use of a public servant or political party official may solicit or accept anything of value and no person for the benefit of a political party or campaign committee may coerce any contribution that is in consideration of (1) appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency or (2) preferring or maintaining the status of any public employee with respect to his compensation, duties, placement, location, promotion, or other material aspects of his employment [17].

M. Solicitation of Contributions From County Employees. A county auditor, county treasurer, clerk of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, coroner, or other person at the direction or request of a county officer may solicit from a public servant who functions or is employed in or by the same department, division, office, or other governmental unit as the county officer (1) a contribution not more than twice in a calendar year for the benefit of a political party or campaign committee or (2) a written authorization for a deduction from the public servant's wages and salary for the support of candidates, political parties, or issues he designates [18].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is the disbursement or use of a contribution for the purpose of influencing the results of an election [19].

B. Expenditures by a Candidate Campaign Committee. A candidate must designate a campaign treasurer before his campaign committee may make any expenditure by or on behalf of the candidate. A campaign committee may not make an expenditure other than through the campaign treasurer [20].

C. Payment for Political Endorsement in Publications. An owner, editor, writer, or employee of a newspaper, magazine, or other publication, whether published regularly or irregularly, may not directly or indirectly solicit, receive, or accept any payment, promise, or compensation for influencing or attempting to influence votes through any printing matter except through matter inserted in such publication as "paid advertisement" and so designated [21].

IV. REPORTING REQUIREMENTS

A. Statements of Contributions and Expenditures in Connection With a Candidate

1. General Provisions. A campaign committee, political committee, or political party that made or received a contribution or made an expenditure in connection with the nomination or election of any candidate at any election must file a full, true, and itemized statement, made under penalty of election falsification, setting forth in detail the contributions and expenditures [22].

A "candidate", in connection with whose nomination or election contributions and expenditures must be reported, is (1) a qualified person certified for placement on the official ballot of a primary, general, or special election; (2) a qualified person who represents himself to be a write-in candidate or who knowingly assents to such representation by another at a primary, general, or special election; or (3) a person who, at any time prior to or after an election for the purpose of bringing about his nomination or election to public office, receives contributions or makes expenditures, has given consent for another to receive contributions or make expenditures, or appoints a campaign treasurer; however, the term does not include a candidate for election to the office of member of a political party state or county central committee, presidential elector, or delegate to a national convention or conference of a political party [23].

The term "candidate" means an individual candidate or, in the case of candidates for governor and lieutenant governor, a pair of joint candidates for governor and lieutenant governor [24]. A "public office" is any state, county, municipal, township, or district office, other than an office of a political party, that is filled by an election [25].

Each statement of contributions and expenditures must contain the following information:

(1) The full name and address of the campaign committee, political committee, or political party, including any chairman or treasurer, filing the statement and, in the case of a campaign committee, the candidate's full name and address.

(2) The date of the election and whether it was or will be a general, primary, or special election.

(3) A statement of contributions made or received, which must include the month, day, and year of the contribution; the full name and address of each person, including any chairman or treasurer if other than an individual, from whom a contribution has been received; a description of the contribution received, if other than money; and the value in dollars and cents of the contribution.

(4) A list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor.

(5) A statement of expenditures, which must include the month, day, and year of expenditure; the full name and address of each person to whom the expenditure was made, including any chairman or treasurer if the person is a committee, association, or group of persons; the object or purpose for which the expenditure was made; and the amount of each expenditure. A receipted bill (including a cancelled check), stating the purpose of an expenditure, must be filed with the statement of expenditures for every expenditure over $25.

(6) The balance in the hands of the campaign committee, political committee, or political party and the disposition intended to be made of the balance. The statement of contributions and expenditures must be signed by the person completing the form [26].

All contributions and expenditures must be itemized separately regardless of the amount, except a receipt of contribution from a person in the sum of $25 or less at one social or fund-raising activity. An account of the total contributions from each such social or fund-raising activity must be listed separately, together with the expenses incurred and paid in connection with the activity [27].

An expenditure for the purchase of goods or services is to be attributed to the election when the disbursement of funds is made rather than at the time the goods or services are used [28].

Statements of contributions and expenditures must be filed according to the following schedule:

(1) A pre-election statement is due on the 12th day before the election and must reflect the status of contributions and expenditures at the close of business on the 20th day before the election.

(2) A post-election statement is due on the 45th day after the election and must reflect the contributions received and expenditures made from the close of business on the 20th day before the election to the close of business on the 7th day before the filing of the statement.

(3) An annual statement is due on the last business day of November of every year and must reflect the contributions received and expenditures made from the close of business on the last day covered in the previously filed statement and the close of business on the last day of October; however, the annual statement is not required in any year in which a campaign committee, political committee, or political party is required to file a post-election statement or if the campaign committee, political committee, or political party has no outstanding obligations, no balance on hand, no contributions that it has received, and no expenditures that it has made or authorized [29].

A statement that is found to be incomplete by the officer to whom it is submitted must be accepted on a conditional basis, and the person who filed it must be notified by certified mail as to the incomplete nature of the statement. The recipient then must file an addendum to the report providing the information necessary to complete the report within 4 days of receipt of notice in the case of a pre-election report and 7 days in the case of a post-election report. [30].

If a statement of contributions and expenditures relates to the nomination or election of a person whose candidacy for nomination or election was submitted to electors throughout the entire state, the statement must be filed with the secretary of state. If the statement relates to the nomination or election of a person whose candidacy for nomination or election was submitted only to electors within a district comprised of more than one county but less than all of the counties of the state, it is to be filed with the board of elections of that county or part of a county within the district that had a population greater than any other county or part of a county within the district. If the statement relates to the nomination or election of a person whose candidacy for nomination or election was submitted only to electors within a county, it must be filed with the board of elections of the county. If a statement relates to the nomination or election of a person who was a candidate for election to the office of member of the house of representatives of Congress or member of the state board of education, it must be filed with the secretary of state [31].

A campaign committee, political committee, or political party that makes a contribution or expenditure in connection with more than one candidacy or ballot issue is required to file a copy of its statement of contributions and expenditures with each appropriate filing office. A political committee that has received contributions but has not determined for which elections the contributions will be used should file with the secretary of state. If a political committee makes an expenditure to another political committee or to a state political party and the expenditure is not in connection with a specific election, it should file with the secretary of state [32].

2. Candidate Campaign Committee. The campaign committee of a candidate for nomination or election must file the required statements of contributions and expenditures [33]. A "campaign committee" is considered to be a candidate or combination of two or more persons authorized by a candidate to receive contributions and make expenditures [34].

The personal expenses of a candidate paid for by the candidate from his personal funds are not considered to be a contribution or an expenditure by the candidate and are not required to be reported. "Personal expenses" include but are not limited to ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone [35]. The expenses of maintaining a constituent office paid for from personal funds by a candidate who is a member of the general assembly at the time of the election are not considered to be a contribution by or an expenditure by or on behalf of the candidate and are not to be reported if the constituent office is not used for any candidate's campaign activities [36].

An expenditure by a continuing association or political party is not considered to be an expenditure by or on behalf of any campaign committee if the purpose of the expenditure is for the staffing and maintenance of the continuing association's or political party's headquarters or for a political poll, survey, index, or other type of measurement that is not on behalf of a specific candidate [37]. An expenditure by a political committee or political party is not considered to be an expenditure by or on behalf of the candidate if the purpose of the expenditure is to inform only its members by means of mailed publications or other direct communication of its activities or endorsements [38]. An expenditure made by any person for a social or fund-raising activity is not considered to be an expenditure by or on behalf of a campaign committee [39].

Each statement of a campaign committee of a candidate who holds public office is required to contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In the space provided in the statement, the person filing the statement must affirm that each such contribution was voluntarily made [40].

A pre-election statement is not required of any campaign committee that has received contributions or made expenditures of less than $1,000 at the close of business on the 20th day before the election. If a person becomes a candidate less than 20 days before an election, his campaign committee is not required to file the pre-election statement [41].

If a special election is held within 60 days before a general election, the campaign committee of a successful candidate in the special election may file the pre-election statement for the general election instead of the post-election statement required for the special election if the pre-general election statement reflects the status of contributions and expenditures for the period 20 days before the special election to 20 days before the general election [42].

3. Political Committee. A political committee must file the required statements of contributions and expenditures [43]. A "political committee" is a combination of two or more persons, excluding a political party, whose primary or incidental purpose is to support or oppose any candidate, political party, or issue or to influence the result of any election and includes a continuing association that makes a political contribution [44]. A "continuing association" is an association, other than a campaign committee or political party, that is intended to be a permanent organization, has a primary purpose other than supporting or opposing specific candidates, political parties, or ballot issues, and functions on a regular basis throughout the year [45].

An expenditure by a political committee is not considered to be a contribution by the political committee if the purpose of the expenditure is to inform only its members by means of mailed publications or other direct communication of its activities or endorsements [46]. An expenditure by a continuing association is not considered to be a contribution to a campaign committee if the expenditure is for the staffing and maintenance of the association's headquarters or for a political poll, survey, index, or other type of measurement that is not on behalf of a specific candidate [47].

An annual statement is not required of a continuing association that has made no contributions or expenditures since the time reflected in its post-election report [48]. No continuing association that makes a contribution from funds that are derived solely from regular dues paid by members of the association is required to list the name or address of any members who paid such dues [49].

4. Political Party. A political party must file the required statements of contributions and expenditures [50]. A "political party" is any group of voters (1) that at the last preceding regular state election polled for its candidate for governor in the state or nominees for presidential electors at least 5% of the entire vote cast for such office or (2) that filed with the secretary of state subsequent to any election in which it received less than 5% of such vote a petition signed by qualified electors equal in number to at least 1% of the total vote for governor or nominees for presidential electors at the last preceding election, declaring their intention to organize a political party and to participate in the next succeeding primary election held in an even-numbered year and occurring more than 120 days after the date of filing [51].

An expenditure by a political party is not a contribution by the party if the expenditure is for the staffing and maintenance of the political party's headquarters or for a political poll, survey, index, or other type of measurement that is not on behalf of a specific candidate [52]. An expenditure by a political party is not considered to be a contribution by the party if the purpose of the expenditure is to inform only its members by means of mailed publications or other direct communication of its activities or endorsements [53].

The requirement of filing the full address of each person, including the chairman or treasurer, from whom contributions have been received does not apply to any statement filed by a state or local committee of a political party, a finance committee of such committee, or a committee recognized by a state or local committee as its fund-raising auxiliary [54].

B. Statement of No Contributions and Expenditures by a Campaign Committee. A campaign committee that did not receive contributions or make expenditures in connection with the nomination or election of a candidate must file a statement to that effect on the prescribed form on the date required for submission of a post-election statement (45th day after an election). This appears to be the only statement required to be filed in connection with the specific candidate and election [55].

C. Appointment of a Treasurer

1. General Provisions. Every campaign committee, political committee, or political party must appoint a treasurer and designate his full name and address to the secretary of state or the county board of elections, as appropriate. The treasurer must keep a strict account of all contributions, from whom received, and the purpose for which they were disbursed. Every expenditure in excess of $25 must be vouched for by a receipted bill stating the purpose of the expenditures. A cancelled check with a notation of the purpose of the expenditure is considered to be a receipted bill [56].

2. Candidate Campaign Committee. A candidate must have not more than one campaign committee for the purpose of receiving contributions and making expenditures. The campaign committee may not receive any contribution or make any expenditure other than through the campaign treasurer designated by the candidate [57].

A candidate must designate himself or a member of his campaign committee as his campaign treasurer prior to the receipt of any contribution or the making of any expenditure by or on behalf of the candidate. It is the responsibility of the campaign treasurer to receive contributions, make expenditures, and file the required statements of contributions and expenditures for the candidate and campaign committee [58].

The campaign treasurer may appoint deputy campaign treasurers as required. Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer when specifically authorized to do so by the campaign treasurer or the candidate [59].

A candidate must, not later than the date of filing the first pre-election statement of contributions and expenditures required, file a written statement with the official with whom he files the contribution and expenditure statements on a form prescribed by the secretary of state setting forth the full name and address of the campaign treasurer and each deputy treasurer. A candidate must also file supplemental statements with that official giving the full name and address of each deputy treasurer at the time of appointment [60].

A candidate may remove the campaign treasurer or any deputy campaign treasurer at any time. In the case of death, resignation, or removal of the treasurer or deputy treasurer before compliance with all obligations of a campaign treasurer, the candidate must fill the vacancy thus created in the same manner as provided in the case of an original appointment [61].

D. Statement of Contributions and Expenditures in Connection With a Proposition or Issue. The provisions of the election code relating to the contribution, receipt, and expenditure of money or other things of value in elections involving candidates, the filing of statements relating to contributions and expenditures, and the violations of such provisions apply with equal force and in all details to the contributions, receipts, expenditures, and obligations of persons, committees, and associations in the advocacy of or in opposition to the adoption of any proposition or issue submitted to the voters. The persons or committees in charge of the campaign for or against a proposition or issue are required to file statements of contributions and expenditures according to the requirements and schedule applicable to candidates and committees [62].

E. Statement of Consideration for the Circulation of an Initiative or Referendum Petition. The circulator or his agent and the committee in charge of an initiative or referendum petition or supplementary petition for additional signatures for the submission of a constitutional amendment, proposed law, ordinance, section, or item of any law or ordinance must within 30 days after the petition papers are filed, file an itemized statement with the secretary of state or with the board of elections in the county, as the case may be, on a form prescribed by the secretary of state showing the following information in detail:

(1) All money or things of value paid, given, or promised for circulating such petitions.

(2) All appointments, promotions, or increases in salary in positions that were given or promised or to obtain which assistance was given or promised as a consideration for work done in circulating petitions.

(3) Full names and addresses, including street, city, and state, of all persons to whom the payments or promises were made.

(4) Full names and addresses, including street, city, and state, of all persons who contributed anything of value to be used in circulating the petitions.

(5) Time spent and salaries earned while soliciting signatures to petitions by persons who were regular salaried employees of some person or whom the employer authorized to solicit as part of their regular duties. If no money or things of value were paid or if no promises were made or received as a consideration for work done in circulating the petition, the statement is to contain words to that effect [63].

F. Candidate Financial Statement. Every person who is a candidate for a state, county, or city office or the office of member of the United States Congress must file with the appropriate ethics commission a financial statement disclosing, for example, sources of income over $500 received during the preceding year, corporations in which the candidate or other person for the candidate's use and benefit had an investment of over $1,000 during the preceding calendar year, persons whom the candidate owes or who owe the candidate more than $1,000, and sources of gifts over $500 [64].

A candidate for elective office must file his statement no later than the 30th day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs sooner; however, a write-in candidate must file his statement no later than the 20th day before the earliest election at which his candidacy is to be voted on [65].

G. Judicial Candidate Campaign Activities and Reports. A candidate, including an incumbent judge, for a judicial office that is filled by public election between competing candidates may establish a committee of responsible persons to secure and manage the expenditure of funds for his campaign. Each candidate may have no more than one campaign committee for purposes of receiving contributions and making expenditures. No campaign committee may receive any contributions or make any expenditures other than through the campaign treasurer. The campaign treasurer must file all statements required of a candidate or campaign committee [66].

Each judicial candidate must file not later than the date he becomes a candidate a written statement setting forth the full name and address of the campaign treasurer with the clerk of the court in which the candidate seeks nomination or election to judicial office. In judicial districts having more than one county, the statement must be filed with the clerk of the court of the most populous county of the district. In the event that the office of campaign treasurer becomes vacant, the judicial candidate is required to promptly appoint a successor campaign treasurer and file a statement concerning the appointment with the appropriate clerk of the court [67].

H. Affidavit of No Political Contributions by Corporation or Public Utility. Every corporation and public utility required by law to make returns, statements, or reports to the state tax commissioner must file with the commissioner an affidavit subscribed and sworn to by a person or officer having knowledge of the facts setting forth that the corporation or public utility has not during the preceding year, except as permitted in the case of employee deductions for political support, directly or indirectly, paid, used, or offered, consented, or agreed to pay or use any of its money or property (1) for or in aid of any political party, committee, or organization, (2) for or in aid of any candidate for nomination or organization, (3) for any political purpose whatever, or (4) for the reimbursement or indemnification of any person for money or property so used. The affidavit must be attached to or made a part of the return, statement, or report required to be made by the corporation or public utility [68].

V. POST-ELECTION REQUIREMENTS

A. Statement of Termination of a Campaign Committee or Political Committee. If a campaign committee or political committee has no balance on hand and no outstanding obligations and desires to terminate itself, it must file a statement to that effect on a form prescribed by the secretary of state with the official with whom it files statements of contributions and expenditures after complying with other required reporting requirements [69].

VI. OFFENSES AND PENALTIES

A. Enforcement Procedure. The secretary of state or the local board of elections, as appropriate, must examine all statements of contributions and expenditures for compliance with the statutory requirements [70]. In the event of a failure to file a statement or if a filed statement or any required addendum to the statement appears to disclose a violation of law, the examining official must promptly report such facts to the Ohio elections commission. The commission is then required to investigate and, if the commission finds a violation, it must do only one of the following: (1) impose a find not to exceed the fine specified in the schedule of fines established by the commission; (2) report its finding to the appropriate prosecuting authority, which is then required to institute such civil or criminal proceedings as are appropriate; or (3) enter a finding that good cause has been shown for the commission not to impose a fine or report its findings to the appropriate prosecuting authority [71].

Upon presentation to the Ohio elections commission of an affidavit of any person, made on personal knowledge and subject to the penalties for perjury and setting forth any failure to comply with or any violation of the campaign finance provisions of the election code, the commission must investigate the charges made in the affidavit. If the commission finds a violation, it must impose a fine, report its findings to the appropriate prosecuting authority, or enter a finding that good cause has been shown not to impose a fine or report its findings to the appropriate prosecutor [72].

B. Campaign Finance Offenses. Violators of the campaign finance requirements of the election code are subject to the following penalties:

(1) A candidate for a statewide office whose campaign committee fails to file a required statement of contributions and expenditures must be fined $1,000 for each day of violation.

(2) A candidate for a county or district office whose campaign committee fails to file a pre-election statement of contributions and expenditures must be fined $100 for each day of violation.

(3) A person other than a campaign committee that knowingly fails to file a required statement of contributions and expenditures must be fined $100 for each day of violation.

(4) A candidate whose campaign committee fails to file a post-election or annual statement of contributions and expenditures must be fined $25 for each day of violation.

(5) A person who knowingly conceals or misrepresents contributions given or received or expenditures made in an election must be fined not more than $10,000 or if the person was elected to public office, required to forfeit his nomination or the office to which he was elected, or both.

(6) A person who makes cash contributions totalling more than $100 in an election must be fined an amount equal to three times the amount contributed [73].

C. Financial Statement Offenses. A candidate who knowingly fails to file a financial statement is guilty of a misdemeanor of the fourth degree [74]. A candidate who knowingly files a false financial statement is guilty of a misdemeanor of the first degree [75].

D. Other Offenses. Whoever violates any provision of the campaign finance and campaign practices provisions of the election code, unless otherwise provided, is guilty of a misdemeanor of the first degree [76].

E. Penalty for Perjury. A person who either orally or in writing, on oath lawfully administered or in a statement made under penalty of election falsification, purposely states a falsehood as to a material matter relating to an election in a proceeding before a court, tribunal, or officer created by law or in a matter in relation to which an oath or statement under penalty of election falsification is authorized by law is guilty of election falsification, which is a misdemeanor of the first degree [77].

F. Withholding of Certification and Exclusion From Office. A certificate of nomination or election may not be issued to a person nor may a person elected to an office or position enter upon the performance of the duties of such office or position until he has fully complied with the requirements concerning the filing of statements of contributions and expenditures [78].

VII. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is the designated filing officer for receiving and examining statements of contributions and expenditures in connection with state office and state board of education candidates and issues voted upon by electors of the entire state and for receiving appointments of treasurers [79].

The secretary of state must adopt those rules necessary for the administration and enforcement of the campaign finance provisions of the election code [80]. The secretary of state must also establish rules for the attribution of expenditures to a person who is a candidate for more than one office during a reporting period and for expenditures made in a year in which no election is held. He must further define by rule those expenditures that are or are not by or on behalf of a candidate [81].

The form for all statements of contributions and expenditures to be filed is to be prepared by the secretary of state and furnished to the county boards of elections; the local boards must supply printed copies of the form without charge [82]. The secretary of state must ensure that every paper, card, or other document relating to any election matter that calls for a statement to be made under penalty of election falsification is accompanied by the following statement in bold face capital letters: "The penalty for election falsification is imprisonment for not more than six months, or a fine of not more than one thousand dollars, or both" [83].

The secretary is required to provide each candidate, political committee, and political party with written instructions and explanations in order to ensure compliance with the campaign finance provisions of the election code [84].

B. County Board of Elections. The county board of elections is the designated filing officer for receiving and examining statements of contributions and expenditures in connection with district, county, and local office candidates and issues voted upon by electors of less than the entire state and appointments of treasurers [85].

C. Secretary of State and County Board of Elections. The official with whom petitions and other documents for nomination or election to public office are filed or from whom they are received must furnish each candidate at the time of such filing or receipt a copy of the campaign finance chapter of the election code and such other materials as the secretary of state may require. Each candidate receiving the materials must acknowledge their receipt in writing. The secretary of state and each board of elections is required to send a copy of each statement filed with it for statewide office, congressman, and member of the general assembly to the Ohio elections commission [86].

On or before the 10th day before the dates on which statements of contributions and expenditures are required to be filed, a candidate subject to the filing provisions must be notified by certified mail with return receipt requested of the requirements and applicable penalties. The secretary of state must notify all candidates required to file such statements with his office, and the board of elections of every county must notify all candidates required to file such statements with it [87].

REFERENCES

1. Ohio Revised Statutes Annotated (Page) (hereafter ORSA) § 3517.01(B)(5)
2. ORSA § 3517.01(B)(7)
3. ORSA § 3517.081
4. ORSA § 3599.03; Secretary of State, Ohio Laws on Campaign Finance and Campaign Practices (hereafter SOS Guide) 2, 22, 23 (February, 1985); letter from Ted W. Brown, secretary of state, to Frank A. Ray, June 22, 1977 (generally, non-profit corporations are not formed for the purpose of making a profit or engaging in business, and, therefore, the prohibition of § 3599.03 does not apply to those entities; letter from John T. Williams, assistant elections counsel, to Christopher J. Swift, January 29, 1981 (while a non-profit corporation may contribute to candidates, it may not serve as a conduit for the contributions of corporations for profit)
5. ORSA § 3517.13(F)
6. ORSA § 3517.13(G)
7. ORSA § 3599.04
8 ORSA § 3517.09
9. ORSA § 124.57
10. ORSA § 3599.051
11. ORSA § 3599.031
12. ORSA § 3599.45
13. Code of Judicial Conduct § 7(A)(2)(B)
14. Code of Judicial Conduct § 7(B)(2)
15. Code of Judicial Conduct § 7(B)(2)
16. Code of Judicial Conduct § 7(B)(2)(a)
17. ORSA § 2921.43 (B), (C)
18. ORSA § 2921.431
19. ORSA § 3517.01(B)(6)
20. ORSA § 3517.081
21. ORSA § 3599.08
22. ORSA § 3517.10(A)
23. ORSA §§ 3517.01(B)(3); 3501.01(H)
24. ORSA §§ 3517.082
25. ORSA § 3517.01(B)(9)
26. ORSA § 3517.10(B), (C)
27. ORSA § 3517.10(B)(4)(a)
28. ORSA § 3517.08(F)
29. ORSA § 3517.10(A)
30. ORSA § 3517.11(B)
31. ORSA § 3517.11(A)
32. SOS Guide 5
33. ORSA §§ 3517.10(A); 3517.13(A)-(D)
34. ORSA § 3517.01(B)(1)
35. ORSA §§ 3517.08(A); 3517.01(B)(7)

36. ORSA § 3517.08(D)
37. ORSA § 3517.011(C)
38. ORSA § 3517.08(B)
39. ORSA § 3517.08(E)
40. ORSA § 3517.10(C)
41. ORSA § 3517.10(A)
42. ORSA § 3517.10(A)
43. ORSA §§ 3517.10(A);
    3517.13(E)
44. ORSA § 3517.01(B)(8)
45. ORSA § 3517.01(B)(4)
46. ORSA § 3517.08(B)
47. ORSA § 3517.08(C)
48. ORSA § 3517.10(A)
49. ORSA § 3517.10(B)(4)(e)
50. ORSA §§ 3517.10(A); 3517.13(E)
51. ORSA § 3517.01(A)
52. ORSA § 3517.08(C)
53. ORSA § 3517.08(B)
54. ORSA § 3517.10(B)(4)(b)
55. ORSA § 3517.10(C)
56. ORSA § 3517.10(C)
57. ORSA § 3517.081
58. ORSA § 3517.081
59. ORSA § 3517.081
60. ORSA § 3517.081
61. ORSA § 3517.081
62. ORSA § 3517.12
63. ORSA § 3517.12
64. ORSA § 102.02
65. ORSA § 102.02
66. Code of Judicial Conduct
    § 7(B)(2)
67. Code of Judicial Conduct
    § 7(B)(2)(b)
68. ORSA §§ 5727.61; 5733.27
69. ORSA § 3517.10(A)
70. ORSA § 3517.11(B)
71. ORSA §§ 3517.11(C)(1); 3517.99.1
72. ORSA § 3517.15(B); 3517.99.1
73. ORSA § 3517.99;
74. ORSA §§ 102.02(C); 102.99(A)
75. ORSA §§ 102.02(D); 102.99(B)
76. ORSA § 3599.40
77. ORSA § 3599.36
78. ORSA § 3517.11(D)
79. ORSA §§ 3517.081; 3517.12
    3517.10(C); 3517.11(B)
80. ORSA § 3517.15(A)
81. ORSA § 3517.08(F)
82. ORSA § 3517.10(C)
83. ORSA § 3599.36
84. ORSA § 3517.15(A)
85. ORSA §§ 3517.081; 3517.12;
    3517.10(C); 3517.11(B)
86. ORSA § 3517.11(A)
87. ORSA § 3517.11(A)

CAMPAIGN FINANCE LAW
IN OKLAHOMA

I. INTRODUCTION

Oklahoma limits contributions to a maximum of $5,000 to a political party, organization, or state office candidate and to a maximum of $1,000 for a local office candidate. Corporations and banks are prohibited from making contributions. Candidates, political parties, and organizations are required to file pre- and post-election reports of contributions and expenditures and to identify contributors of over $200. An income tax deduction of not more than $100 for political contributions is allowed. The state election board administers the campaign contributions and Expenditures Act and the Financial Disclosure Act.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is any money, property, printing or engraving, radio or television time, billboards, advertising, or any other thing of value whatsoever that is given or loaned to be used in a campaign for or against a state question, a candidate, or anyone who later becomes a candidate, except for voluntary services performed by the person donating the services [1]. Expenditures made by a candidate from his own funds and on his own behalf are not considered to be contributions, but rather must be reported as expenditures [2].

B. Maximum Contribution Limitations. A person or family may not contribute more than $5,000 to a political party or an organization, $5,000 to a candidate for state office, and $1,000 to a candidate for local office, and a political party, organization, or candidate is prohibited from receiving contributions in excess of the maximum amounts [3].

C. Organizational Contributions With Candidate Permission. An organization may not solicit, accept, or make a contribution on behalf of an individual candidate without the expressed permission of the candidate [4].

D. Contributions by Corporations. No corporation chartered under state law or foreign corporation admitted to do business in the state may (1) contribute, directly or through an agent, officer, representative, employee, attorney, or other person, to a campaign fund of a political party or candidate or to any other person for the benefit of a political party and its candidates or (2) make, except in the case of a banking corporation in the state, any loan of money or anything of value or give or furnish any privilege, favor, or other thing of value to a political party, representative of a political party, other person for a political party, or candidate on the ticket of a political party [5]. The state constitution specifically prohibits a corporation from influencing elections or official duty by contributions of money or anything of value [6]. A corporation may, however, make contributions in cash or kind for or against the passage of a state question appearing on the ballot by referendum or initiative, subject to the $5,000 limit on corporate contributions [7].

A political action committee composed of employees of a corporation who have voluntarily contributed funds may be established for contributing to campaigns for state and local offices; however, a corporation may not bear administrative overhead expenses for a political action committee composed of its employees nor may it provide employees, office space, equipment, and supplies to the committee for the purpose of obtaining funds from the committee's voluntary members if the use is for any purpose for which corporate contributions are prohibited [8].

E. Contributions and Expenditures by Banks. It is unlawful for a bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election or political convention or caucus held to select candidates for any political office. No candidate, political committee, or other person may accept or receive a contribution from a bank [9].

F. Contributions by Highway Patrol Members. No member, officer, or patrolman of the state highway patrol division may be a candidate for a political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office [10].

G. Contributions by Judges. No supreme court justice or court of criminal appeals judge may make, directly or indirectly, any contribution to or hold office in a political party or organization [11].

H. Contributions to Corporation Commission Candidates. During a period of 60 days prior to an election, a person, firm, corporation, or association that is subject to the regulations of the corporation commission or has interests in any firm, corporation, or business subject to regulation by the corporation commission may make contributions not otherwise prohibited by law to the cost of a political campaign of candidates for the office of corporation commissioner [12].

I. Solicitation by State Government Officers and Employees. An elected or appointed state official, his employees, or others in behalf of and for the elected or appointed state official may not, directly or indirectly, solicit or accept contributions from employees in his department or agency for the benefit of or in behalf of any person who is a candidate for other political office [13].

A classified state employee may not directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a partisan political purpose or organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate in a partisan election or of a political party; however, a state classified employee is permitted to make a voluntary financial contribution to a candidate, political party, or organization [14].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditures. The term "expenditure" is not defined in the Campaign Contributions and Expenditures Act [15].

B. Expenditure of Public Funds For or Against an Initiative or Referendum. No official in the state may direct or authorize the expenditure of any public funds under his care, except as specifically authorized by law, to be used either in support of or in opposition to any measure that is being referred to a vote of the people by means of an initiative or referendum or that citizens of the state are attempting to have referred to a vote of the people by an initiative or referendum [16].

C. Permissible Uses of Contributions. Contributions received by any person who has filed a declaration of candidacy for any public office with the state election board or any county election board may be used only to defray any campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with his duties as a holder of the public office. Contributions and any interest income earned on such contributions that are not used for the permissible purposes must be (1) returned to the contributors pursuant to any formula approved by the person, (2) donated to the campaign of any other political candidates or to any political party officially recognized by the state election board, or (3) retained by the person for use in a future election [17].

IV. REPORTING REQUIREMENTS

A. Designation of Agent for Receipt and Expenditure of Contributions. Each candidate and political party must designate a person to be its agent for the receipt and expenditure of contributions and may designate as many subagents as deemed fit. The designations must be filed in writing with the state election board in the case of candidates who file declarations of candidacy with that board and with the appropriate county election board in the case of candidates who file declarations of candidacy with a county board. No person may act as an agent or subagent until his designation has been filed. A candidate may serve as his own agent [18].

Each agent must maintain written records of all contributions and expenditures handled by him and require each of his subagents to maintain a written record of all contributions and expenditures handled. The records are the property of the candidate or political party to which they relate and must be delivered to the candidate or party immediately upon demand, after removal of an agent or subagent, upon the expiration of the agent's or subagent's appointment, or 10 days after the general election, whichever occurs first [19].

A "candidate" for reporting purposes is considered to be a person who has filed a notification and declaration of candidacy for any public office with the secretary of the state election board or a county election board, but does not include any person who has withdrawn his notification and declaration of candidacy or any person whose candidacy is unopposed [20]. A "political party" is any political party so recognized for the purpose of having candidates appear on the ballot [21].

B. Candidate Financial Disclosure Statement. Under the Financial Disclosure Act a candidate for the office of United States senator, United States representative, state officer, state senator, state representative, judge of the court of appeals, district judge, associate district judge, or district attorney is required to file a financial disclosure statement, together with his declaration of candidacy, with the state election board no earlier than 8 a.m. on the first Monday after Independence Day of an even-numbered year and no later than 5 p.m. on the next succeeding Wednesday. If the person is elected and is not required to file financial disclosure statements pursuant to the provisions of any federal law, he must also file a financial disclosure statement with the state election board on or before the 40th day after each general election [22].

A person retained in the office of justice of the state supreme court or judge of the court of criminal appeals must file a financial disclosure statement with the state election board on or before the 40th day after the general election [23].

One 30-day extension of time for filing a post-general election statement may be effected if the person files a declaration of his intention to defer filing the required statement with the state election board not more than 10 days before or 10 days after the due date [24].

A financial disclosure statement must contain specified information for the preceding two calendar years or the period since the most recent financial disclosure statement. The information that must be disclosed includes, for example, (1) information concerning all living adult children doing business with the state; (2) a list of sources of income by category or industry without reference to amounts or frequency of receipt of income from such sources; however, sources from which less than $1,000 annually is received may be omitted; (3) a list of categories or industries in which the person has stock; however; categories or industries in which the person has stock valued at less than $1,000 at the time of filing may be omitted; (4) the name of any entity from which honoraria valued at more than $200, over and above actual expenses paid to the person, were received and the value of each honorarium; and (5) the name of any registered lobbyist with whom the person has engaged in business from which income of over $1,000 was received [25].

C. Report of Contributions and Expenditures. Every candidate, political party, and organization is required to file written reports of all contributions and expenditures with the appropriate election board regardless of whether or not contributions have been received or expenditures made [14]. An "organization" for reporting purposes is a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, union, political education or action group, or political entity with two or more persons having a joint or common interest [15].

Every candidate for state or local office, political party, and organization that receives a contribution with a value that exceeds $200 must report the specific identity of the contributor or source, including the correct name of the person actually making the contribution, the address of the contributor, a specific description of the contribution, and the amount of the contribution [28]. If a contributor makes more than one contribution of $200 or less in value, the contributions must be reported whenever the aggregate value of such contributions and previously unreported contributions exceeds $200 [29]. Contributions of $200 or less in value must be reported as one aggregate total without identifying the specific contributions [30]. A "contributor" is every person or organization that makes a contribution [31].

Cumulative reports of contributions and expenditures must be filed according to the following schedule regardless of whether or not contributions were received or expenditures made: (1) on or before the 10th day preceding a primary election or special election (in the case of a state question to be voted upon) covering the period beginning on the date when the earliest contribution was received or expenditure was made and ending 15 days preceding the primary or special election; (2) on or before the 10th day preceding the general election, including all contributions received and expenditures made from the date any contribution was first received or expenditure was first made through the 15th day preceding the general election; and (3) on or before the 40th day after the general election or, in the case of a state question, the election where the question was voted upon, including all contributions received and expenditures made from the date the first contribution was received or first expenditure was made through the 30th day after the general election [32].

If any contributions are received or expenditures made within 6 months after the general election, a supplemental report must be filed within 6 months and 10 days after the general election or, in the case of a state question, after the special election at which the question was voted upon, together with the names of the contributors and the purpose for which expenditures were made. If any contributions are received or expenditures made after this 6-month period, additional supplemental reports must be filed [33].

Reports of contributions and expenditures are filed with the state election board in the case of candidates who file declarations of candidacy with that board and with the appropriate county election board in the case of candidates who file declarations of candidacy with a local board [34].

V. PUBLIC FINANCING PROVISIONS

A. State Campaign Finance Act. The Oklahoma Campaign Finance Act, which created a campaign finance fund in 1979 to provide financial support to eligible political parties and state office candidates in general election years, has been found to be invalid [35].

VI. TAX PROVISIONS

A. Income Tax Deduction. A person who contributes money to a political party or candidate is entitled to deduct not more than $100 of the amount contributed in any one taxable year from his adjusted gross income in the computation of state income tax owed [36].

B. Taxpayer Designation From Income Tax Liability. The Oklahoma Campaign Finance Act of 1979 authorizes a person whose state income tax liability for a taxable year is $1 or more to designate $1 of the liability for the state campaign finance fund. In the case of a joint return of a husband and wife having a state income tax liability of $2 or more, each spouse may designate $1 of the liability for the fund. The Oklahoma Campaign Finance Act, however, has been determined to be invalid, and this authorization, although never expressly repealed, is not operative [37].

VII. OFFENSES AND PENALTIES

A. Criminal Penalties. A person who knowingly and willfully violates any of the provisions of the Campaign Contributions and Expenditures Act, upon conviction, is guilty of a misdemeanor and must be punished by a fine of not more than $1,000, confinement in the county jail for not more than 6 months, or both [38].

A state official who directs or authorizes the expenditure of public funds in support of or in opposition to an initiative or referendum is guilty of a misdemeanor, and the office he holds must be adjudged vacant [39].

An elected or appointed state official, his employee, or another on behalf of and for the state official who violates the prohibition against solicitation or acceptance of contributions for a candidate for other political office from employees in the state official's department or agency is subject to prosecution by the appropriate district attorney upon resolution of the state legislature or either house thereof or upon the authority of the district attorney on his own motion in the absence of legislative resolution. If the legislature or appropriate district attorney fails to act within a reasonable time, any citizen taxpayer may institute a suit against the violator. Upon conviction, the guilty official or employee must be removed immediately from his office or position and is subject to bond forfeiture or so much thereof as necessary to reimburse the state for monies wrongfully expended because of the violation [40].

Violations of the restrictions on contributions to a candidate for corporation commissioner are punishable, upon conviction, as a misdemeanor [41]. A member, officer, or patrolman of the state highway patrol division who contributes any money or other thing of value to a political campaign or candidate for public office is guilty of a misdemeanor [42].

A bank that makes a prohibited contribution or expenditure must be fined not more than $5,000. Every officer or director who consents to such contribution or expenditure by a bank and any person who accepts or receives any such contribution must be fined not more than $1,000, imprisoned not more than one year, or both, and if the violation was willful, the individual must be fined not more than $10,000, imprisoned not more than two years, or both [43].

B. Forfeiture of Office. A person convicted of violating any provision of the Campaign Contributions and Expenditures Act in connection with a campaign resulting in the election of that person to office must forfeit the office to which he was elected [38].

C. Financial Disclosure Violations. A person who fails to file a required financial disclosure statement, who knowingly gives false information in a statement, or who knowingly omits required information from a statement is guilty of a misdemeanor and, in addition to any criminal penalties imposed, may not perform the duties conferred upon him by law until the statement is filed. The person also is subject to removal from office as provided by law [45].

The attorney general is responsible for investigating and prosecuting violations of the Financial Disclosure Act. Complaints alleging violations of the Act must be filed in the office of the attorney general; however, complaints alleging violations by the attorney general are filed with the governor, who is required to appoint special counsel to investigate and if necessary prosecute the complaint [46].

VIII. REGULATORY AGENCIES

A. State Election Board. The state election board is required to prescribe the forms for making contribution and expenditure reports and is required to distribute them to every person upon request [47]. In the case of elections involving candidates who file their declarations of candidacy with the board, the board is the appropriate filing officer for designations of agents and sub-agents, financial disclosure statements, and reports of contributions and expenditures [48].

REFERENCES

1. Oklahoma Statutes Annotated (West) (hereafter OSA) tit. 26, § 15-102(3)
2. OSA tit. 26, § 15-103(4)
3. OSA tit. 26, § 15-108
4. OSA tit. 26, § 15-105(D)
5. OSA tit. 26, § 15-110
6. Oklahoma Constitution art. 9, § 40
7. Opinions of the Oklahoma Attorney General (hereafter Op. Att'y Gen.) 77-160 (February 28, 1978); Op. Att'y Gen. 80-68 (April 29, 1980)
8. Op. Att'y Gen. 77-160 (February 28, 1978)
9. OSA tit. 6, § 808(A)
10. OSA tit. 47, § 2-105(a)
11. Oklahoma Constitution art. 7-B, §§ 1, 6
12. OSA tit. 17, § 177; Op. Att'y Gen. 80-278 (November 19, 1980)
13. OSA tit. 74, § 3114
14. OSA tit. 74, § 841.17(A)(5), (A)(6), (B)(8)
15. See OSA tit. 26, § 15-102
16. OSA tit. 26, § 16-119
17. OSA tit. 26, § 15-108.1
18. OSA tit. 26, §§ 15-102(6); 15-105(A), (B)
19. OSA tit. 26, § 15-105(C)
20. OSA tit. 26, § 15-102(1)
21. OSA tit. 26, § 15-102(9)
22. OSA tit. 26, §§ 19-101; 19-103(A), (B)
23. OSA tit. 26, § 19-103(C)
24. OSA tit. 26, § 19-104(A)
25. OSA tit. 26, § 19-105
26. OSA tit. 26, §§ 15-103; 15-107(4)
27. OSA tit. 26, § 15-102(5)
28. OSA tit. 26, §§15-301(1); 15-106
29. OSA tit. 26, § 15-103(2)
30. OSA tit. 26, § 15-103(3)
31. OSA tit. 26, § 15-102(4)
32. OSA tit. 26, § 15-107(1)-(4)
33. OSA tit. 26, § 15-107(3)
34. OSA tit. 26, §§ 15-102(6); 15-107
35. OSA tit. 26, §§ 18-101--18-113; Op. Att'y Gen. 79-195 (September 19, 1979); Democratic Party of Oklahoma v. Estep, 652 P.2d 271 (Okla. 1982). According to the state attorney general, the Oklahoma Campaign Finance Act is unconstitutional because the use of public funds by political candidates and political parties is an impermissible donation by gift to private individuals and private associations for non-public purposes in contravention of specific prohibitions in the state constitution. After this opinion was issued, the state supreme court found the Act to be unfit for implementation because it does not articulate legislative policy and standards that govern the campaign commission in supervising public reimbursement to eligible entities. According to the court, without legislative policy and standards, the campaign commission cannot promulgate necessary implementing regulations without offending the "nondelegation doctrine."
36. OSA tit. 26, § 15-109
37. OSA tit. 26, § 18-103; see note 35
38. OSA tit. 26, § 15-112(A)
39. OSA tit. 26, § 16-119
40. OSA tit. 74, § 3114
41. OSA tit. 17, § 178
42. OSA tit. 47, § 2-105(a)
43. OSA tit. 6, § 808(B)
44. OSA tit. 26, § 15-112(B)
45. OSA tit. 26, § 19-106
46. OSA tit. 26, § 19-107
47. OSA tit. 26, § 15-106
48. OSA tit. 26, §§ 15-105(A); 15-107; 19-103(A)-(C)

CAMPAIGN FINANCE LAW
IN OREGON

I. INTRODUCTION

Oregon requires all candidates or their principal campaign committees and all other political committees to file pre- and post-election statements of contributions and expenditures; however, political committees and non-federal and non-political party office candidates may be exempted from filing contribution and expenditure statements if aggregate contributions or expenditures are not expected to exceed $500. Independent candidate-related expenditures must be reported by persons and political committees subject to the reporting requirements of the campaign finance regulations unless the candidate or political committee on whose behalf the expenditures were made reports the independent expenditures. A tax credit of not more than $25 ($50 for a joint return) is allowed for political contributions. The secretary of state is responsible for the administration of the election laws, including the election campaign finance regulations.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" includes (1) the payment, unrepaid loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration of money, services other than personal services for which no compensation is asked or given, supplies, equipment, or any other thing of value to or on behalf of a candidate, political committee, or measure and (2) any unfulfilled pledge, subscription, agreement, or promise, whether or not legally enforceable, to make a contribution. Only the excess value of a contribution made for compensation or consideration of less than equivalent value is considered a contribution [1].

B. Appointment of Political Committee Treasurer. A contribution may not be received by or on behalf of a political committee until the committee appoints a treasurer and certifies the name and address to the appropriate filing officer [2].

C. Contributions by an Out-of-State Political Committee. A candidate or treasurer may not accept a contribution of more than $50 from an out-of-state political committee unless one of the following requirements is met:

(1) The contribution is accompanied by a written statement certified as true by an officer of the contributing political committee that contains the name, occupation, and address of each person and the name, address, and primary nature of each political committee that contributed more than $100 of a contribution to a candidate for statewide office or regarding a statewide measure or more than $50 of a contribution to a candidate for a non-statewide office or regarding a non-statewide measure.

(2) The candidate or treasurer files with the filing officer at the same time the statement is filed regarding the contribution an affidavit that to the best of the candidate's or treasurer's knowledge and belief the contributing political committee will not make contributions to candidates and treasurers in the state that exceed two-thirds in total amount of all contributions made by it in this state and elsewhere during the period for which the statement is filed [3].

D. Contributions in Name of the Actual Contributor. No person may make a payment of money to any other person relating to a nomination or election of any candidate or the support or opposition to any measure in any name other than that of the person who in truth provides the money, and no person may knowingly receive the payment or enter or cause it to be entered in accounts or records in another name than that of the person by whom it was actually provided; however, if the money is received from the treasurer of a political committee, it is sufficient to enter it as received from the treasurer [4].

E. Contribution of Compensation as a Condition of Employment. A person may not accept employment with the understanding or agreement, express or implied, that the person will contribute any of the compensation to be received because of the employment to or on behalf of a candidate or political committee in support of the nomination or election of the candidate or in support of or in opposition to a measure [5].

F. Solicitation of Contributions From or by Public Employees. No person may attempt to or actually coerce, command, or require a public employee (excluding an elected official) to influence or give money, service, or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the adoption of a measure, or the recall of a public office holder. No public employee may solicit any money, influence, service, or other thing of value or otherwise promote any political committee or promote or oppose the nomination or election of a candidate, the adoption of a measure, or the recall of a public office holder while on the job during working hours [6].

G. Special Privileges Rendered by a Public Utility. A public utility may not offer or give to a political committee, a candidate for or incumbent of any public office, or any person at the request of or for the advantage of any of them any reduced rate or privilege withheld from any person for service rendered by the utility, and a political committee, candidate, or incumbent may not ask for or accept from a public utility or use in any manner or for any purpose a reduced rate, frank, or privilege withheld from any person for any service rendered by the utility [7].

H. Contribution as a Condition Precedent to Election Participation. No payment or contribution for any purpose may be made a condition precedent to putting a name on any caucus or convention ballot, nomination paper, or petition or to the performance of any duty imposed by law on a political committee [8].

I. Undue Influence to Contribute or Not Contribute. No person, acting either alone or with or through any other person, may directly or indirectly subject any person to undue influence with the intent to induce the person to contribute or refrain from contributing to any candidate, political party, or political committee, and no person may solicit or accept money or other thing of value as an inducement to contribute or refrain from contributing [9].

III. LIMITATIONS ON EXPENDITURES

A. Definition of Expenditure. An "expenditure" includes the payment or furnishing of money or any thing of value or the incurring or repayment of indebtedness or obligation by or on behalf of a candidate, political committee, or person in consideration for any services, supplies, equipment, or other thing of value performed or furnished in support of or opposition to a candidate, political committee, or measure [10].

B. Appointment of Political Committee Treasurer. An expenditure may not be made by or on behalf of a political committee until the committee appoints a treasurer and certifies the name and address to the appropriate filing officer [11].

IV. REPORTING REQUIREMENTS

A. Statements of Contributions and Expenditures by Candidates and Political Committees. Pre- and post-election statements of contributions and expenditures must be filed with the appropriate filing officer by (1) each candidate seeking nomination or election at a primary election, other non-general election, or general election or by the candidate's principal campaign committee at the election and (2) by each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at a primary, general, or other election [12]. A person or political committee, other than a candidate or principal campaign committee, that receives contributions or makes expenditures in support of a single candidate or in opposition to one or more candidates, with the consent of a single candidate, is not required to file statements if the contributions and expenditures are reported by the candidate or political committee on whose behalf they were made [13].

A "candidate" is (1) an individual whose name is printed on a ballot for nomination or election to public office, that is, any national, state, county, city, or political party office or position filled by the electors; (2) a person whose name is expected to be or has been presented with the individual's consent for nomination or election to public office; or (3) a public office holder against whom a recall petition has been completed or filed [14].

A "political committee" is a combination of two or more individuals or a person other than an individual whose primary or incidental purpose is to support or oppose any candidate, measure, or political party and that has received a contribution or made an expenditure for that purpose; however, an individual is considered to be a political committee and must file pre- and post-election statements of contributions and expenditures required of a political committee if either of the following occurs:

(1) The individual makes expenditures, excluding any contribution to a candidate or political committee that reports the contribution in a statement of contributions and expenditures or in a certificate of no aggregate contributions or expenditures over $500, during the total period covered by pre- and post-election statements of contributions and expenditures in a total amount of more than $100 in support of or in opposition to a candidate for statewide office or a statewide measure or more than $50 in support of or in opposition to a candidate for a non-statewide office or a non-statewide measure.

(2) In preparing to become a candidate in a general election, but not a primary or nominating election, the individual receives a contribution or makes an expenditure, excluding any contribution to a candidate or political committee that reports the contribution in a statement of contributions and expenditures, in a total amount of more than $500 before the date of the primary election [15].

A "measure" is a proposed law, an act or part of an act of the legislative assembly, a revision of or amendment to the Oregon Constitution, local, special, or municipal legislation, or a proposition or question submitted to the people for approval or rejection at an election [16].

A candidate may designate one political committee as the candidate's principal campaign committee; however, a political committee may not be designated as the principal campaign committee of more than one candidate [17].

Each statement of contributions and expenditures must list the following information:

(1) Under "contributions," all contributions received must be reported. For each person or political committee that contributed an aggregate amount of more than $100 on behalf of a candidate for statewide office, for a statewide measure, or to a political committee supporting or opposing only such a candidate or measure; more than $50 on behalf of a candidate for other than statewide office, for a non-statewide measure, or to a political committee supporting or opposing such a candidate or measure; or more than $50 to a political committee supporting or opposing both a candidate for statewide office or statewide measure and a candidate for a non-statewide office or non-statewide measure, the statement must also list the name, occupation and address of the person; the name, address and primary nature of the political comittee; and the total amount contributed. The statement may list as a single item the total amount of other contributions, but must specify how those contributions were obtained. If a first pre-election report shows any assets not previously reported on hand at the beginning of the first reporting period, the report must list all contributions giving rise to the assets.

(2) Under "expenditures," all expenditures made must be reported, showing the amount and purpose of each. The name of any person to whom expenditures were made totalling $100 or more and the total amount of all expenditures must be listed. Each expenditure in an amount of more than $50 must be vouched for by a receipt, a canceled check, or an accurate copy of the receipt or check.

(3) All contributions made by the candidate or political committee to any other candidate or political committee must be reported separately.

(4) All loans, whether repaid or not, made to the candidate or political committee must be reported. The statement must list the name and address of each person shown as a cosigner or guarantor on a loan, the amount of the obligation undertaken by each cosigner or guarantor, and the name of the lender holding the loan [18].

Anything of value paid for or contributed by any person is required to be listed as both a contribution and an expenditure by the candidate or committee for whose benefit the payment or contribution was made. Expenditures made by an agent of a political committee on behalf of the committee are reported in ported in the same manner as if the expenditures had been made by the committee itself [19]. Each statement and supplemental statement must be signed and certified as true by the candidate or treasurer required to file it [20].

Statements of contributions and expenditures must be submitted according to the following schedule:

(1) First Pre-Election Statement. A first pre-election statement is due not sooner than the 39th day nor later than the 29th day before the election. The accounting period ends on the 40th day before the election; however, the beginning date varies [21].

The accounting period for the first pre-primary election or pre-non-general election statement of a candidate or the candidate's campaign committee and a political committee begins on the 250th day before the election unless a post-election or supplemental statement of contributions and expenditures has been filed for a previous election showing an unexpended balance of contributions or an expenditure deficit. If a post-election or supplemental statement has been filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election [22].

The accounting period for the first pre-general election statement for a candidate nominated at the primary election or that candidate's principal campaign committee begins on the 21st day after the primary election. For a candidate not nominated at the primary election or that candidate's principal campaign committee the accounting period begins on the 250th day before the election unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election other than the preceding primary election. If a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election [23].

The accounting period for the first pre-general election statement for a political committee that supported or opposed one or more candidates or measures at the primary election begins on the 21st day after the primary election. If the political committee did not support or oppose candidates or measures at the primary election, the accounting period begins on the 250th day before the date of the election unless the committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If a post-election or supplemental statement has been filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the first pre-election statement is the amount of the unexpended balance of contributions or the expenditure deficit [24].

(2) Second Pre-Election Statement. A second pre-election statement is due not sooner than the 7th day nor later than the 4th day before the election. The accounting period for the statement begins on the 39th day and ends on the 8th day before the election [25].

(3) Pre-Election Supplemental Statement. A supplement to the second pre-election statement must be filed on the day before the election, showing contributions received by or on behalf of a candidate or his principal campaign committee or by or on behalf of a political committee after the 8th day and before the day preceding the day of the election, if contributions received from a political committee or other person during this period exceed $500. The supplemental statement must be written but may be transmitted to the filing officer by any expeditious means available. If the candidate or treasurer of the candidate's principal campaign committee or the treasurer of a political committee previously filed a certificate that neither aggregate contributions nor aggregate expenditures were expected to exceed $500 for the election, the candidate or committee must file a pre-election supplemental statement if the aggregate contributions exceed $500 because of contributions received after the 8th day and before the day preceding the day of the election [26].

(4) Post-Election Statement. A post-election statement is due not later than the 30th day after the election. The accounting period for the statement begins on the 7th day before the election and ends on the 20th day after the election [27].

(5) Post-Election Supplemental Statement. A supplemental statement must be filed if the post-election statement shows an unexpended balance of contributions or an expenditure deficit. It is required to be filed annually on September 10th until a statement is filed containing no balance or no deficit. The accounting period for the statement begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1st [28].

A candidate for federal office must file with the secretary of state the statements required by the federal election laws in lieu of the statements required by the state on or before the federal filing dates [29].

The appropriate filing officers with whom statements of contributions and expenditures are to be filed are the following:

(1) The secretary of state for statements regarding a candidate for any state office or any office to be voted for in the state at large or in a congressional district or for statements regarding a measure to be voted for in the state at large.

(2) The county clerk for statements regarding a candidate for any county office or any district or precinct office within the county or regarding a measure to be voted for in one county or in a district situated wholly within one county.

(3) The chief city election officer for statements regarding a candidate for any city office or a measure to be voted for in a city only.

(4) The county clerk of the county in which the office of the chief administrative officer or administrative board is located for statements regarding a candidate for office for any district or regarding a measure to be voted on in a district when the district is situated in more than one county [30].

B. Certificate When Neither Aggregate Contributions or Aggregate Expenditures Will Exceed $500. A candidate, other than a candidate for federal or political party office, or a political committee treasurer who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate or political committee to exceed $500 in total amount during the total period covered by pre- and post- election statements of contributions and expenditures must file a certificate to that effect. A political committee must file the certificate not sooner than the 39th day nor later than the 21st day before the election. A candidate or treasurer must file the certificate not sooner than the date on which the candidate files a declaration of candidacy or nominating petition, accepts a nomination, or is nominated to fill a vacancy in a nomination or in a partisan elective office and not later than the 21st day before the date of the election. The candidate or political committee must keep contribution and expenditure records during this period [31].

If at any time following the filing of a certificate and during the total period involved either the aggregate contributions or aggregate expenditures exceed $500, the candidate or political committee treasurer, as appropriate, must file a contribution and expenditure statement at the time a statement for the reporting period in which the contributions or expenditures exceeded $500 is due. The filed statement must reflect all contributions received and expenditures made by or on behalf of the candidate or political committee to that date, beginning with the start of the reporting period for the first pre-election statement [32].

C. Statements of Independent Expenditures on Behalf of or in Opposition to a Candidate. A person or political committee subject to the reporting requirements of the election campaign finance regulations that makes an expenditure on behalf of or in opposition to a candidate must report the total of such expenditures to the secretary of state [33]. A person or political committee, other than a candidate or a principal campaign committee, that makes expenditures in support of a single candidate or in opposition to one or more candidates with the consent of a single candidate is not required to file a statement if the expenditures are reported by the candidate or political committee on whose behalf they were made [34].

Expenditures on behalf of or in opposition to more than one candidate are to be allocated between such candidates on a reasonable basis. Expenditures made by a political committee that are not allocable to any particular candidates, including expenditures made to solicit funds intended to be contributed to candidates to be designated later, are not considered to be expenditures in support of a candidate [35].

The reporting person or committee is required to file a separate form for each candidate supported or opposed, showing the name of the person or committee making the report, the name of the candidate supported or opposed, and the total amount expended. The forms are filed at the time required for filing reports of contributions and expenditures [36].

D. Certification of a Treasurer. Each political committee must appoint a treasurer and certify to the filing officer the name and address of the treasurer, who is required to be an elector of the state. No contribution may be received or expenditure made by or on behalf of a political committee until the political committee appoints a treasurer and certifies the name and address of the treasurer to the filing officer. Contributions must be received and expenditures made by or through the treasurer of the political committee [37].

A candidate may serve as his own treasurer or may appoint and certify to the filing officer the name and address of a treasurer. A candidate's treasurer must perform all the duties prescribed for the candidate concerning the keeping of accounts [38].

An individual may be appointed and serve as treasurer of one or more candidates and political committees. A candidate or political committee may remove a treasurer. In the event of the death, resignation, or removal of a treasurer before compliance with all obligations of a treasurer, a candidate may and a political committee must appoint a successor and certify the name and address of the successor in the manner for an original appointment [39].

Each candidate, other than a candidate for political party office, and the treasurer of each political committee must keep detailed acounts. The accounts of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be reported must be current as of not later than the 7th day after the date of receiving a contribution or making an expenditure. The treasurer of a political committee, other than a principal campaign committee, also must include in the accounts the occupation of each contributor who contributes an aggregate amount of more than $24 [40].

Accounts kept by a candidate or treasurer are required to be preserved by the candidate or treasurer for at least 6 months after the date of the election to which the accounts refer or at least 6 months after the date the last supplemental statement is filed, whichever is later [41].

E. Political Committee Statement of Organization. Before a political committee, other than a principal campaign committee, that supports or opposes one or more candidates for public office (other than candidates for federal or political party office) or one or more measures at an election may receive a contribution or make an expenditure, the treasurer of the committee must file a statement of organization with each appropriate filing officer. The statement must include (1) the name, address, and nature of the committee; (2) the name, address, and occupation of the committee director or directors; (3) the name and address of the committee treasurer; (4) the name and address of any other political committee of which two or more committee directors are also directors of the committee filing the statement; (5) a statement of whether the committee presently intends to remain in existence for more than one year; (6) the name, office sought, and party affiliation of each candidate whom the committee is supporting or specifically opposing or intends to support or specifically oppose, when known, or if the committee is supporting or specifically opposing all the candidates of a given party, the name of that party; (7) a designation of any measure that the committee is opposing or supporting or intends to support or oppose; and (8) a statement of how the committee intends to solicit funds. Any change in information submitted in a statement of organization is to be indicated in an amended statement of organization filed not later than the 10th day after the change in information [42].

F. Statement by Sponsors of an Initiative, Referendum or Recall Petition. Not later than the 15th day after an initiative, referendum, or recall petition was filed with the filing officer for verification of signatures, the chief petitioners or sponsors of the initiative or referendum petition or the sponsor of the recall petition must file a statement with the filing officer. This statement must include (1) the name and address of each chief petitioner or sponsor; (2) a designation of the measure proposed to be initiated or referred or the officer whose recall is demanded; and (3) a statement of contributions received and expenditures made by or on behalf of the chief petitioners or sponsors to the date on which the statement is filed. If the statement is filed by a sponsor of a recall petition, the statement need only report the contributions received and the expenditures made by or on behalf of the sponsor and political committee the sponsor represents, if any, after the date on which the statement of contributions and expenditures is filed [43].

V. POST-ELECTION REQUIREMENTS

A. Statement of Receipts and Expenditures for Reduction of Deficit. A person (1) who receives or expends money or any other thing of value after the date of an election for the purpose of reducing an expenditure deficit shown by a statement of contributions and expenditures filed by a candidate or treasurer, (2) who is not the candidate or treasurer, and (3) who does not receive or expend the money or other thing of value through the candidate or treasurer must file with the appropriate filing officer a statement showing the source of all money or other things of value so received or expended. The statement must list the name, occupation, and address of each person or the name, address, and primary nature of each political committee that contributed an aggregate amount of more than $100 on behalf of a candidate for statewide office or regarding a statewide measure or more than $50 on behalf of a candidate for non-statewide office or regarding a non-statewide measure. The statement may list as a single item the total amount of other contributions, but must specify how those contributions were obtained. The statement is required to be signed and certified as true by the person required to file it or by the person's authorized representative [44].

VI. TAX PROVISIONS

A. Tax Credit. A taxpayer is allowed a credit against taxes for voluntary contributions in money made in a taxable year to (1) a national political party or one of its committees; (2) to a minor political party; (3) to or for the use of a candidate for federal, state, or local elective office at an in-state election; or (4) to a trust, committee, association, or organization for influencing the nomination or election of a candidate or for supporting or opposing a ballot question or measure voted upon within the state. The credit will be the lesser of 1/2 of the total contribution but not more than $25 ($50 on a joint return) or the tax liability of the taxpayer. The claim for the tax credit must be substantiated by submission with the tax return of receipts from the recipient of the contribution [45].

VII. OFFENSES AND PENALTIES

A. Enforcement of Filing Requirements. A filing officer must inspect each statement filed by not later than the 10th day after it is filed and must immediately notify a person required to file a statement with the filing officer if it appears to the filing officer that the person has failed to file a required statement or that a statement filed is insufficient or if a sworn complaint has been filed with the filing officer by an elector stating that a statement filed is insufficient or that the person has failed to file a required statement [46].

Not later than the 3rd month after the date of a primary or general election and not later than the 3rd month after an initiative, referendum, or recall petition has been filed, the filing officer must examine each statement filed with the officer to determine whether the statement is sufficient [47].

Upon petition of the secretary of state, an elector, or any other filing officer with whom a report is required to be filed, the circuit court for the county in which the principal office of the filing officer is located may compel a candidate, treasurer, or person who fails to file a statement required to be filed or who files an insufficient statement to file a proper statement with the filing officer [48].

B. Administrative Action Upon Complaint. An elector may file with any filing officer a written complaint alleging that a violation of an election law has occurred and stating the reason for believing that the violation occurred and any evidence relating to it, and the filing officer must forward the complaint to the secretary of state. A filing officer having reason to believe that a violation of the election laws had occurred must proceed promptly as though the officer had received a complaint. A complaint alleging a violation involving the secretary of state, a candidate for the office of secretary of state, or any political committee or person supporting the secretary of state or a candidate for the office of secretary of state may be filed with the attorney general and if filed with a filing officer, must be forwarded to the attorney general [49].

Upon receipt of a complaint, the secretary of state or attorney general immediately must examine the complaint to determine whether a violation of an election law has occurred and make any investigation considered necessary. If the secretary of state believes that a violation of an election law has occurred, the secretary immediately must report the findings to the attorney general and request prosecution or, if the violation involves the attorney general, a candidate for that office, or a political committee or person supporting or opposing the attorney general or a candidate for that office, he must appoint another prosecutor for that purpose. If the attorney general or prosecutor determines that a violation has occurred, he immediately must begin prosecution [50].

C. Civil Penalty for Failure to File a Required Statement. The secretary of state may impose a civil penalty, in addition to any other penalty that may be imposed, after providing notice and an opportunity for a hearing for (1) failure to file a statement or certificate concerning contributions and expenditures that is required to be filed and (2) failure to include required information in a statement concerning contributions and expenditures that has been filed. A civil penalty imposed may not be more than 5% of the total contributions or total expenditures required to be reported in the statement or certificate, whichever is greater, for each day, beginning on the day after the date on which the statement or certificate is due, until the day a sufficient statement is filed or omitted information is supplied. The secretary of state, however, upon a showing of mitigating circumstances, may reduce the amount of the penalty [51].

D. Criminal Penalties. Violation of the election campaign finance regulations is a Class A misdemeanor, with limited exceptions [52].

E. Withholding of Name From General Election Ballot. A candidate's name may not be placed on the general election ballot if the required statements of contributions and expenditures relating to the candidate's nomination are not filed before the 20th day before the general election [53].

F. Withholding of Certificate of Election or Nomination. A certificate of election or certificate of nomination may not be granted to any candidate until the candidate has filed the required statements relating to the election [54].

VIII. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is the chief election officer of the state, and it is the secretary's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws [55]. The secretary is required to prepare and distribute digests of state election law statutes and may adopt necessary rules and regulations [56]. The secretary of state is the appropriate filing officer for all statements and reports regarding candidates or measures voted for statewide, in a congressional district, or in a multi-county district, as well as statements of expenditures on behalf of or in opposition to a candidate [57]. The secretary of state is required to inspect and examine all required statements filed with his office, investigate complaints of a violation of the election laws, and request prosecution, if appropriate [58]. The secretary has the authority to impose civil penalties for failure to file required statements or certificates or to include required information in a statement [59].

The secretary of state is also required (1) to adopt rules for the manner of determining and reporting expenditures and contributions; (2) to publish for each election a summary of statements of contributions and expenditures filed with the secretary; (3) to prescribe a uniform system for candidate and political committee accounts of contributions and expenditures; (4) to prescribe and furnish forms for statements, certifications, and other information required by the election campaign finance regulations; and (5) to furnish copies of the election campaign finance regulations and election offenses to local filing officers [60].

B. Local Filing Officers. The county clerk is the appropriate filing officer for statements and reports regarding county, district, or precinct candidates and measures voted for in one county, while a chief city election officer is the filing officer for city office candidates and measures voted for in a city only. The local filing officer is required to inspect and examine all required statements filed with his office and to forward complaints of election law violations to the appropriate state officer [61]. Each local filing officer must deliver a copy of the election campaign finance regulations to each candidate or person who the officer has reason to believe is required to file a required statement with the officer [62]. The county clerk must publish a summary of statements of contributions and expenditures regarding county office candidates and county measures [63].

REFERENCES

1. Oregon Revised Statutes (hereafter ORS) § 260.005(3)
2. ORS § 260.035(2)
3. ORS § 260.045
4. ORS § 260.402
5. ORS § 260.422
6. ORS § 260.432(1), (2)
7. ORS § 260.615
8. ORS § 260.655
9. ORS § 260.665
10. ORS § 260.005(6)
11. ORS § 260.035(2)
12. ORS §§ 260.058; 260.063; 260.068; 260.073
13. ORS § 260.150
14. ORS § 260.005(1), (12)
15. ORS §§ 260.005(11); 260.044
16. ORS § 260.005(8)
17. ORS § 260.041
18. ORS §§ 260.078; 260.083
19. ORS § 260.083(2), (3)
20. ORS §§ 260.058(4); 260.063(3); 260.068(4); 260.073(3)
21. ORS §§ 260.058(1)(a); 260.063(1)(a); 260.068(1)(a); 260.073(1)(a)
22. ORS §§ 260.058(1)(a); 260.063(1)(a)
23. ORS § 260.068(1)(a)
24. ORS § 260.073(1)(a)
25. ORS §§ 260.058(1)(b); 260.063(1)(b); 260.068(1)(b); 260.073(1)(b)
26. ORS §§ 260.058(1)(c); 260.063(1)(c); 260.068(1)(c); 260.073(1)(c)
27. ORS §§ 260.058(1)(d); 260.063(1)(d); 260.068(1)(d); 260.073(1)(d)
28. ORS §§ 260.058(2); 260.063(2); 260.068(2); 260.073(2)
29. ORS §§ 260.058(3); 260.068(3)
30. ORS § 260.005(7)
31. ORS §§ 260.112(1); 260.063(1)(a); 260.073(1)(a)
32. ORS § 260.112(2)
33. ORS § 260.155
34. ORS § 260.150
35. ORS § 260.155(2), (3)
36. ORS § 260.155(1)
37. ORS § 260.035
38. ORS § 260.037
39. ORS § 260.038
40. ORS § 260.055(1)
41. ORS § 260.055(2), (3)
42. ORS § 260.042
43. ORS § 260.118; see also ORS § 260.585
44. ORS § 260.102
45. ORS § 316.102
46. ORS § 260.205
47. ORS § 260.215
48. ORS § 260.225
49. ORS § 260.345(1), (2), (6)
50. ORS § 260.345(3)-(5)
51. ORS § 260.232(1)-(6)
52. ORS § 260.995(1)
53. ORS § 260.241
54. ORS § 260.245
55. ORS § 246.110
56. ORS §§ 246.150; 246.160
57. ORS §§ 260.005(7)(a); 260.155(1)
58. ORS §§ 260.205; 260.215; 260.345
59. ORS § 260.232
60. ORS §§ 260.156(1); 260.255(2); 260.200; 260.315(1)
61. ORS §§ 260.205; 260.215; 260.345(2)
62. ORS § 260.315(2)
63. ORS § 260.255(2)

CAMPAIGN FINANCE LAW
IN PENNSYLVANIA

I. INTRODUCTION

Pennsylvania requires political committees that receive aggregate contributions of $250 or more to file a registration statement with the appropriate filing officer and prohibits political contributions by a political committee until it has registered. Political committees and candidates, with certain exceptions, are required to file pre- and post-election reports of receipts and expenditures when the amount received or expended exceeds $250. A sworn statement must be filed in lieu of a required report if receipts or expenditures are below the threshold amount. Annual reports are required until there is no balance or debt in the report of a candidate or political committee. Persons who make independent expenditures exceeding $100 in a calendar year are required to file reports at the times specified for political committees.

Banks, corporations, and unincorporated associations not founded for political purposes may not make contributions and expenditures for political purposes; however, a corporation or unincorporated association may establish and administer a separate segregated fund created by voluntary contributions. There appears to be no limitations on the amount of contributions that may be made. The secretary of the commonwealth is the state officer responsible for the administration of the election campaign finance law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance, or deposit of money or any valuable thing to a candidate or political committee made for the purpose of influencing any election or for paying debts incurred by or for a candidate or committee before or after any election. A "contribution" also includes (1) the purchase of tickets for events such as dinners, luncheons, rallies, and all other fund-raising events; (2) the granting of discounts or rebates not available to the general public or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; (3) any payments provided for the benefit of any candidate, including payments for the services of a person serving as an agent of a candidate or committee by a person other than the candidate or committee or by a person whose expenditures the candidate or committee must report; (4) any receipt or use of anything of value received by a political committee from another political committee; and (5) any return on investments by a political committee [1].

A "valuable thing" means all securities, goods, facilities, equipment, supplies, personnel, advertising, services, membership lists commonly offered or used commercially, or other in-kind contributions provided without compensation or at compensation that is below the usual and normal compensation for the items. The dollar value of a contribution of a valuable thing is the difference between the usual and normal charge for goods or services at the time of the contribution and the amount charged the candidate or political committee. The following categories are excluded from the definition of "valuable thing" and, therefore, are not considered to be contributions or expenditures for the purposes of reporting or recordkeeping:

(1) Voluntary personal services provided by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;

(2) The operation of a motor vehicle owned or leased by a candidate or a member of his immediate family or for consumption of food or beverages by a candidate or his immediate family;

(3) The use of real or personal property, including a community room or a church used on a regular basis by members of a community for non-commercial purposes, and the cost of invitations, food, and beverages voluntarily provided by an individual to any candidate in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided on behalf of any single candidate does not exceed $250 with respect to any single election;

(4) The sale of any food or beverage by a vendor other than a corporation or unincorporated association for use in any candidate's campaign at a charge less than the normal comparable charge if such charge is at least equal to the cost of the food or beverage to the vendor to the extent that the cumulative value of the reduced charge on behalf of any single candidate does not exceed $250 with respect to any single election;

(5) Any unreimbursed payment for travel expenses made by any individual on behalf of any candidate to the extent that the cumulative value of the travel activity on behalf of any single candidate does not exceed $250 with respect to any single election;

(6) The use of the personal residence or the business or office space of the candidate, other than a corporation or unincorporated association, and the use of personal property owned or leased by the candidate if the cumulative value of the use of the personal property does not exceed $1,000 with respect to any single election; and

(7) The use of the personal residence or the business or office space of any volunteer, other than a corporation or unincorporated association, and the use of personal property owned or leased by a volunteer if the cumulative value of the use of the personal property does not exceed $250 with respect to any single election [2].

B. General Contribution Restrictions. No person may make a contribution with funds designated or given to him for that purpose by any other person, firm, or corporation; each person making a contribution must do so only in his own name. A candidate or political committee may not disburse money received from an anonymous source; all such money must be handed over to the state treasurer within 20 days of receipt. Contributions of U.S. or foreign currency to or for the benefit of any candidate that in the aggregate exceed $100 are not permitted [3].

C. Contributions by Banks, Corporations, and Unincorporated Associations. A national or state bank, domestic or foreign corporation, or unincorporated association, except a corporation formed primarily for political purposes or as a political committee, may not make a contribution or expenditure in connection with the election of a candidate or for any political purpose whatever except in connection with a question to be voted on by the electors of the commonwealth. No candidate, political committee, or other person may knowingly accept or receive any prohibited contribution nor may any officer or director of a corporation, bank, or unincorporated association consent to a prohibited contribution or expenditure by the corporation, bank, or unincorporated association [4].

These restrictions do not apply to (1) lawful bank loans made in the ordinary course of business; (2) the receipt of interest or dividends on investments where received lawfully in the ordinary course of business; (3) direct private communications to a corporation's stockholders or unincorporated association's members and their families on any subject; (4) nonpartisan registration and get-out-vote campaigns aimed at a corporation's stockholders or unincorporated association's members and their families; or (5) the establishment and administration by a corporation or an unincorporated association of a separate segregated fund created by voluntary individual contributions, including those solicited by the corporation or unincorporated association, and used for political purposes [5].

D. Political Assessments. A political committee (including a member, employee, or agent), public officer or employee, or any other person may not demand, directly or indirectly, any assessment or percentage of money, profit, or equivalent thing of value with the understanding that it will be used for political purposes from any public officer, subordinate, or employee holding any office or position of honor, trust, or profit in the commonwealth, otherwise engaged or employed in the service of the commonwealth, or employed by or in any way engaged in the service of any political subdivision; from any person receiving state or federal public assistance directly or through employment on public works; or from any person, association, or corporation desiring or having a contract with or a certificate, license, or permit from the commonwealth or any subdivision; however, this prohibition does not prevent otherwise lawful voluntary contributions from being made to a political committee or organization for legitimate political and campaign purposes [6].

E. Employee Organization Contributions. No employee organization may make a contribution out of the funds of the employee organization, either directly or indirectly, to any political party or organization or in support of any political candidate for public office [7].

F. Solicitation of Contributions by Crime Commission. No member or employee of the state crime commission may solicit contributions to candidates for office [8].

G. Demand of Contributions From Conservation Corps Personnel. No one may demand from any public officer, corps member, or crew leader associated with a work experience project of the state conservation corps any assessment or percentage of any money or profit or its equivalent in support, service, or other thing of value with the understanding, express or implied, that it may or must be used for political purposes; however, this proscription does not prohibit voluntary contributions to any political committee or organization for legitimate political and campaign purposes to the extent such contributions are not prohibited by law [9].

H. Solicitation, Acceptance, and Making of Contributions by Judicial Candidates. A judge or candidate for election to judicial office should not solicit funds for or pay an assessment or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other functions; however, a judge holding office filled by public election between competing candidates or a candidate for such office, only insofar as permitted by law, may contribute to a political party or organization [10].

A candidate for election or reelection to or retention in judicial office, including an incumbent judge, should not himself solicit or accept campaign funds, but may establish committees of responsible persons to secure and manage the expenditure of funds for his campaign. Such committees are not prohibited from soliciting campaign contributions from lawyers. A candidate's committees may solicit funds for his campaign no earlier than 30 days prior to the first day for filing nominating petitions or the last day for filing a declaration of intention to seek reelection on a retention basis. A candidate should not use or permit the use of campaign contributions for the private benefit of himself and members of his family [11].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is (1) the payment, distribution, loan, or advancement of money or any valuable thing by a candidate, political committee, or other person for the purpose of influencing the outcome of an election; (2) the payment, distribution, loan, advance, or transfer of money or other valuable thing between or among political committees; (3) the providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office; or (4) the payment or providing of money or other valuable thing by any person other than a candidate or political committee to compensate any person for services rendered to a candidate or political committee [12].

B. Lawful Expenditures. No candidate or chairman or treasurer of a political committee may make or agree to make an expenditure or incur any liability except as provided by law [13].

IV. REPORTING REQUIREMENTS

A. General Provisions for All Reports. Any statement or report required to be filed must be filed with the following filing officers or supervisors:

(1) A candidate, individual, or committee required to file a report concerning any candidate files in the office of the "supervisor," that is, the secretary of the commonwealth or the appropriate county board of elections, with whom the candidate filed a nomination paper, nomination certificate, or nomination petitions or with the supervisor with whom the candidate would have filed the nomination-related documents if he had sought nomination in that

manner; however, if a report of a political committee concerns both candidates who filed for nomination with the secretary of the commonwealth and candidates who filed with a county board of elections, then the report is to be filed with the secretary of commonwealth. A candidate and a political committee authorized by a candidate and created solely for the purpose of influencing the election of the candidate that files with the secretary of the commonwealth must also file copies in the county in which the candidate resides [14].

(2) A statement or report concerning an issue to be voted on by the electors of the state at large is filed with the secretary of the commonwealth. A statement or report concerning any other issue is filed in the county where the electors reside [15].

Each required report must be subscribed and sworn to by the individual submitting the report, and, in addition, any report filed by a political committee authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate must be accompanied by an affidavit from the candidate providing that, to the best of the candidate's knowledge, the political committee has not violated any provision of the campaign reporting law [16].

A "political committee" is a committee, club, association, or other group of persons that receives contributions or makes expenditures [17]. A "political action committee" is a political committee that receives contributions and makes expenditures to or on behalf of any candidate other than a candidate's own authorized political committees or the political committees of any state or local regularly constituted party committee of a political party or political body [18]. A "candidate's political committee" is a political committee formed on behalf of and authorized by a specified candidate [19].

A "candidate" is an individual who seeks nomination or election to public office, other than a judge of elections or inspector of elections, whether or not the individual is nominated or elected. An individual is deemed to be seeking nomination or election to public office if he (1) has received a contribution, made an expenditure, or given his consent for any other person or committee to receive a contribution or make an expenditure for the purpose of influencing his nomination or election to office, whether or not the individual has made known the specific office for which he will seek nomination or election at the time the contribution is received or expenditure made or (2) has taken the action necessary to qualify himself for nomination or election to public office [20].

B. Registration Statement. A political committee that receives contributions in an aggregate amount of $250 or more must file a registration statement with the appropriate supervisor within 20 days after the date on which it receives that amount. A political committee that receives an aggregate amount of contributions of $250 or more may not make a contribution to any candidate or political committee unless it has registered with the appropriate supervisor [21].

Each registration statement must contain (1) the name, address and phone number of the political committee, the committee's treasurer, and the committee's chairman; (2) the names, addresses, and relationships of other affiliated or connected organizations; (3) the candidates, if any, and their names and addresses; (4) the ballot questions, if any, that the committee intends to support or oppose; (5) the banks, safety deposit boxes, or other repositories used by the committee and their addresses; and (6) the proposed period of operation of the committee. The committee must inform the appropriate supervisor of any changes in the information contained in the registration statement within 30 days of the change [22].

Every political committee must have a treasurer and a chairman. No contribution may be received nor any expenditure made when there is a vacancy in either one of these offices. All money received and disbursed by a political committee must be done through the treasurer of the committee [23].

A treasurer of a political committee may not receive any money on behalf of a candidate until the committee has been so authorized in writing by the candidate; however, the treasurer of a regularly constituted party committee of a political party or political body is authorized to receive money on behalf of the candidates of the political party or political body in a general, municipal, or special election without special written authorization from a candidate. A copy of the authorization must be filed with the appropriate supervisor [24].

Every candidate who authorizes political committees to receive and disburse funds on behalf of his candidacy must name a sole treasurer to receive and disburse funds for all authorized committees; however, a candidate may receive or expend monies on his own behalf, and a treasurer of a political party committee or a committee authorized to receive and distribute funds on behalf of more than one candidate may receive or expend monies on behalf of the candidate without the appointment of a sole treasurer. A sole treasurer may delegate authority in writing to any number of assistant treasurers [25].

Each candidate and committee must keep a record of the names and addresses of each person from whom a contribution of over $10 has been received and of all other information required to be reported. These records must be retained for 3 years after the information is reported [26].

Any person receiving a contribution on behalf of a political committee or candidate must turn over the contribution to the treasurer of the committee or the candidate within 10 days of receipt [27].

C. Reports of Receipts and Expenditures

1. Pre- and Post-Election Reports. Each treasurer of a political committee and each candidate must file with the appropriate supervisor pre- and post-election reports of receipts and expenditures if the amount received or expended or liabilities incurred exceed $250. If the amount does not exceed $250, then the candidate or the committee treasurer must file with the appropriate supervisor a sworn statement to that effect rather than the report of receipts and expenditures [28]. The reporting requirements apply to campaign financing activities associated with a retention, primary, special, municipal, or general election at which candidates appear on the ballot for nomination election or questions are to be voted on by electors of the commonwealth [29].

Each report must include the following information preceded by a summary page: (1) the full name, mailing address, occupation, and name of employer, if any, or the principal place of business, if self-employed, of each person who has made one or more contributions to or for the committee or candidate within the reporting period in an aggregate amount or value of over $250, together with the amount and date of the contributions; (2) the full name and mailing address of each person who has made one or more contributions to or for the committee or candidate within the reporting period in an aggregate amount or value of over $50, together with the amount and date of the contributions; (3) the total sum of other individual contributions made to or for the committee or candidate during the reporting period; (4) each expenditure, the date made, the full name and address of the person to whom made, and the purpose of the expenditure; (5) any unpaid debts and liabilities, with the nature and amount of each, the date incurred, and the full name and address of the person owed; and (6) any unexpended balance of contributions or other receipts appearing from the last account filed [30].

An expenditure from a candidate's political committee to another political committee must be reported as a contribution by the committee receiving the contribution, but need not be reported by the contributing committee until the time required by law for the candidate's committee to report; however, if the amount of the contribution exceeds $250 to a single political committee or $1,000 in aggregate contributions to more than one political committee, then receipts and expenditures must be reported by the contributing committee at the same time as required by law for the committee receiving the contributions [31].

Vouchers or copies of vouchers for all sums expended of more than $25 must be retained by the candidate or the committee treasurer [32].

Pre-election reports by candidates for statewide offices and all political committees that have expended money to influence a statewide office candidate's election must be filed not later than the 6th Tuesday and the 2nd Friday before each election. The initial pre-election report is to be complete as of 50 days prior to the election and the subsequent pre-election report complete as of 15 days prior to the election. Pre-election reports by all other candidates and political committees that have received contributions or made expenditures to influence an election must be filed not later than the 2nd Friday before an election and be complete as of 15 days prior to the election [33].

All candidates or political committees required to file receipt and expenditure reports must also file a post-election report not later than 30 days after an election that is complete as of 20 days after the election. In the case of a special election, the post-election report must be complete as of 10 days after the election [34].

All required reports and statements must cover the campaign activity of a candidate only from the last prior report or statement [35].

A political action committee must also report to the secretary of the commonwealth all expenditures to or made on behalf of any statewide candidate, candidate for the state house of representatives, or candidate for the state senate in the same manner as a candidate's political committee [36].

2. Annual Reports. All political committees and candidates, including those committees and candidates filing pre- and post-election reports, must file a cumulative report on January 31st of each year, complete as of December 31st of the prior year, until there is no balance or debt in the report of the candidate or political committee. If there has been no change in the account, the candidate or political committee must file a statement to that effect with the appropriate supervisor. If a post-election report has been designated as a termination report or if an authorized local office candidate has elected not to file pre- and post-election reports and annual reports, then the annual report does not need to be filed unless contributions were received or expenditures made subsequent to the time period for filing the termination report. No candidate or political committee may terminate by way of a statement when the unpaid balance indicated in the previous report was greater than $250. An annual report is to cover the campaign activity of a candidate or political committee from the last prior report or statement [37].

A political committee required to be registered, other than a candidate's political committee, a state or county committee of a political party or political body, or a political action committee of a corporation or unincorporated association, that does not file pre- and post-election reports must file an annual report only if it makes aggregate expenditures of $250 or more or incurs an aggregate debt of $250 or more during the calendar year to influence an election [38].

3. Waiver of Reporting by Local Candidates. By filing an affidavit, a candidate for local office may be excused from filing pre- and post-election reports and annual reports if the candidate does not intend to and does not actually receive contributions or make expenditures in excess of $250 during any reporting period [39].

D. Report of Independent Expenditures. Every person, other than a political committee or candidate, who makes independent expenditures expressly advocating the election or defeat of a clearly identified candidate or question appearing on the ballot in an aggregate amount in excess of $100 during a calendar year, other than by contribution to a political committee or candidate, must file with the appropriate supervisor a report that includes the same information required of a candidate or political committee receiving such a contribution and, additionally, the name of the candidate or question supported or opposed. Reports of independent expenditures must be filed on the dates when reports by political committees making expenditures are required to be filed [40].

An "independent expenditure" is an expenditure by a person made for the purpose of influencing an election without cooperation or consultation with any candidate or political committee authorized by that candidate and that is not made in concert with or at the request or suggestion of any candidate or political committee or its agent [41].

E. Report of Large Late Contribution or Independent Expenditure. A candidate or political committee authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate that receives any contribution or pledge of $500 or more and any person making an independent expenditure of $500 or more after the final pre-election report has been deemed completed must report such contribution, pledge, or expenditure to the appropriate supervisor by telegram or mailgram or in person. A late contribution must be reported within 24 hours of receipt [42].

F. Statements by Lobbyists. Any lobbyist who has given a contribution or pledge, regardless of amount, to any candidate is subject to the same registration and reporting provisions as political committees [43].

G. Reports by Business Entities. A business entity that has been awarded a non-bid contract from the commonwealth or its political subdivisions during the preceding calendar year must report by February 15th of each year to the secretary of the commonwealth an itemized list of all political contributions known to the business entity that have been made by any officer, director, associate, partner, limited partner, or individual owner or member of his immediate family when the contributions by any one individual exceed an aggregate of $1,000 during the preceding year or by any employee or member of his immediate family whose political contributions exceeded $1,000 during the preceding year [44].

V. POST-ELECTION REQUIREMENTS

A. Disposition of Residual Funds. In the event that a candidate or political committee terminates its financial activity as such, any residual funds remaining in such account may be used for any "expenditure" or returned on a pro rata basis to the contributors by the candidate or treasurer of the political committee. After the disbursement of residual funds, a final report must be made by the next January 31st [45].

VI. OFFENSES AND PENALTIES

A. Criminal Penalties. Any member of a political committee who receives or disburses any money or incurs any liability for primary or election expenses, except through the treasurer of the political committee, and any person not a candidate or member of a political committee who receives or disburses any money or incurs any liability for primary or election expenses is guilty of a misdemeanor and upon conviction must be sentenced to pay a fine not exceeding $1,000, to undergo imprisonment of not less than one month nor more than two years, or both, in the discretion of the court [46]. Any candidate or treasurer of a political committee or person acting as treasurer who fails to file an account of primary or election expenses as required is guilty of a misdemeanor and upon conviction must be sentenced to pay a fine not exceeding $5,000, to undergo imprisonment of not less than one month nor more than two years, or both, in the discretion of the court [47]. Any person or political committee that receives money on behalf of any candidate without being authorized to do so is guilty of a misdemeanor and upon conviction must be sentenced to pay a fine not exceeding $5,000, to undergo imprisonment of not less than one month nor more than two years, or both, in the discretion of the court [48].

Any corporation or unincorporated association that pays, gives, lends, or agrees to pay, give, or lend any money belonging to the corporation or unincorporated association or in its custody or control in violation of the provisions on corporate and association contributions is guilty of a misdemeanor and upon conviction must be sentenced to pay a fine of not less than $1,000 nor more than $10,000. Any director, officer, agent, or employee of any corporation or unincorporated association who on behalf of the corporation or unincorporated association pays, gives, lends, or authorizes to be paid, given, or lent any money belonging to the corporation or unincorporated association or in its custody or control in violation of the provisions on corporation and association contributions is guilty of a misdemeanor and upon conviction must be sentenced to pay a fine not exceeding $10,000, to undergo imprisonment of not less than one month nor more than two years, or both, in the discretion of the court [49].

Any willfully false, fraudulent, or misleading statement or entry made by any candidate or treasurer in any statement or report under oath constitutes the crime of perjury and is punishable as such according to the laws of the commonwealth. Any person convicted of such an act must be disqualified from holding public office [50].

B. Independent Audits. The secretary of the commonwealth must select by lottery at a public drawing 40 days after each primary, general, and municipal election 3% of all public offices for which candidates must file nominating petitions or papers with the secretary for the purpose of conducting an independent audit by a certified public accountant. The certified public accountant must audit the reports of all candidates for each public office selected and the committees authorized and created solely for the purposes of influencing an election on behalf of those candidates. The accountant must report his findings to the secretary and to the attorney general for the institution of such criminal proceedings as he may deem necessary [51].

C. Voter Petition for Audit. Within 90 days after the last day for filing any report and affidavit required by the election campaign finance law, any 5 electors may present a petition to the court of common pleas of the county where an original report has been filed or with the commonwealth court in the case of an original report filed with the secretary of the commonwealth for an audit of such report. If the court decides after the audit that any person, whether a candidate or not, has accepted contributions, incurred expenses, or expended or disbursed money in contravention of the law or has otherwise violated any of the provisions of the law, it must certify its decision to the appropriate prosecutorial officer to institute criminal proceedings if deemed necessary by the prosecutor [52].

D. Election-Related Penalties. If a candidate who has been nominated or elected is found by any court in criminal proceedings to have willfully accepted any contributions or made any expenditures in contravention of the election campaign finance law, directly or indirectly, that fact must be certified by the court to the attorney general, who, in the case of a candidate for nomination, may make a motion to the proper court to remove the candidate's name from the ballot. In the case of an elected candidate, the attorney general must file in the proper court a suggestion for a writ of quo warranto against the candidate. If upon the hearing of the motion or writ, it is determined that the candidate has willfully accepted any contribution or made any expenditure in contravention of the law, a judgment of ouster from nomination or office must be entered against the candidate; however, in the case of a candidate elected as state senator or state representative, the decision of the court must be certified to the presiding officer of the appropriate house of the general assembly [53].

No person is deemed elected to a public office or may enter upon the duties of the office or receive any salary or emoluments from the office until all of the due reports of contributions and expenditures required to be filed by any candidate and treasurers of committees authorized by the candidate have been filed [54].

E. Late Filing Fees. A late filing fee for each report of expenditures and contributions that is not filed within the prescribed period must be imposed. The fee is $20 per day for the first 6 days a report is overdue and $10 per day thereafter, up to a maximum of $250 for a single overdue report [55].

VII. REGULATORY AGENCIES

A. Secretary of the Commonwealth. The secretary of the commonwealth is required (1) to serve as the state clearinghouse for information concerning the administration of the election campaign financing law; (2) to prescribe suitable rules and regulations to carry out the provisions of the law; (3) to develop the prescribed forms for making the reports and statements required to be filed with the supervisor; (4) to prepare a manual setting forth recommended uniform methods of bookkeeping and reporting that must be furnished by the supervisor to the persons required to file the reports; and (5) to examine the contributions to state legislative and statewide candidates and publish a list of all those political committees who have contributed to candidates and have failed to file reports as required within 6 days of their failure [56].

B. Secretary of the Commonwealth and the County Boards of Election. The secretary of the commonwealth and the county boards of election are required (1) to furnish to the persons subject to the election campaign financing law a bookkeeping and reporting manual and the prescribed forms for reporting; (2) from time to time to make inquiries and field investigations with respect to reports and statements filed and with respect to alleged failures to file any report or statement required; (3) to report apparent violations to the appropriate law enforcement authorities; (4) to collect any fines relating to the filing of late reports; (5) to inform each candidate or committee that has failed to file of that fact; and (6) to publish a list of candidates and their committees who have failed to file reports as required within 6 days of their failure [57].

C. Attorney General and District Attorneys. The attorney general has prosecutorial jurisdiction over all violations connected with any statement or report and the contents thereof that is to be filed with the secretary of the commonwealth. The district attorneys of the respective counties have jurisdiction over any other violations committed under the election campaign financing law, and the district attorney of any county in which a violation occurs has concurrent powers and responsibilities with the attorney general over such violations [58].

REFERENCES

1. Purdon's Pennsylvania Statutes Annotated (hereafter PSA) tit. 25, § 3241(b)
2. PSA tit. 25, § 3241(k)
3. PSA tit. 25, § 3254
4. PSA tit. 25, § 3253(a)
5. PSA tit. 25, § 3253(b), (c)
6. PSA tit. 25, § 2374
7. PSA tit. 43, § 1101.1701
8. PSA tit. 71, § 1190.5
9. PSA tit. 32, § 5509(4)
10. Code of Judicial Conduct § 7(A); *see also* Rules of Conduct, Office Standards and Civil Procedure for District Justices (hereafter District Justice Rules), Rule 15(B)
11. Code of Judicial Conduct § 7(B); *see also* District Justice Rules, Rule 15(D)
12. PSA tit. 25, § 3241(d)
13. PSA tit. 25, § 3254.1
14. PSA tit. 25, §§ 3241(j); 3251(1), (3)
15. PSA tit. 25, § 3251(2)
16. PSA tit. 25, § 3249(a)
17. PSA tit. 25, § 3241(h)
18. PSA tit. 25, § 3241(i)
19. PSA tit. 25, § 3241(m)
20. PSA tit. 25, § 3241(a)
21. PSA tit. 25, § 3244(a), (d)
22. PSA tit. 25, § 3244(b)
23. PSA tit. 25, § 3242(a)
24. PSA tit. 25, § 3243
25. PSA tit. 25, § 3242(b)
26. PSA tit. 25, § 3242(c)
27. PSA tit. 25, § 3242(d)
28. PSA tit. 25, § 3246(a)
29. PSA tit. 25, §§ 3241(c); 3246
30. PSA tit. 25, § 3246(b), (f)
31. PSA tit. 25, § 3246(i)
32. PSA tit. 25, § 3246(c)
33. PSA tit. 25, § 3246(d)
34. PSA tit. 25, § 3246(e)
35. PSA tit. 25, § 3246(h)
36. PSA tit. 25, § 3246(j)
37. PSA tit. 25, § 3247(a)
38. PSA tit. 25, § 3247(b)
39. PSA tit. 25, § 3246.1
40. PSA tit. 25, § 3246(g)
41 PSA tit. 25, § 3241(e)
42. PSA tit. 25, § 3248
43. PSA tit. 25, § 3245(a)
44. PSA tit. 25, § 3260a(a)
45. PSA tit. 25, § 3250
46. PSA tit. 25, § 3540
47. PSA tit. 25, § 3545
48. PSA tit. 25, § 3541
49. PSA tit. 25, § 3543
50. PSA tit. 25, § 3249(b), (c)
51. PSA tit. 25, § 3255
52. PSA tit. 25, § 3256(a), (b)
53. PSA tit. 25, § 3257
54. PSA tit. 25, § 3252(b)
55. PSA tit. 25, § 3252(a)
56. PSA tit. 25, § 3260
57. PSA tit. 25, §§ 3241(j); 3259
58. PSA tit. 25, § 3260b

CAMPAIGN FINANCE LAW
IN RHODE ISLAND

I. INTRODUCTION

Rhode Island requires candidates, political action committees, and municipal and state political party committees to file periodic reports of contributions and expenditures if contributions in excess of a total of $200 from any one source are received within a calendar year or expenditures on behalf of a candidacy or question exceed $5,000 in the aggregate. Independent expenditures that total over $200 within a calendar year are required to be reported to the campaign treasurer or the candidate or committee on whose behalf the expenditures were made. An aggregate contribution over $1,000 may not be made to a political action committee for advocating the approval or rejection of a gambling question. The state board of elections is responsible for implementation of the campaign contributions and expenditures reporting law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. "Contributions" include all transfers of money, paid personal services, or other things of value to or by any candidate, political party committee, or political action committee. "Paid personal services" are personal services of every kind and nature, the cost or consideration for which is paid or provided by someone other than the committee or candidate for whom the services are rendered, but do not include personal services provided without compensation by persons volunteering their time. "Other things of value" are any items of tangible real or personal property of a fair market value in excess of $200 [1].

B. Contributions and Expenditures Through the Campaign Treasurer. A contribution may not be made or received and expenditures may not be directly made or incurred to support or defeat a candidate or to advocate the approval or rejection of any question in any election except through the duly appointed campaign treasurer or deputy campaign treasurers of the candidate, political party committee, or political action committee [2].

C. Anonymous or Third-Party Contributions and Expenditures. Contributions may not be made and expenditures may not be made or incurred anonymously, in a fictitious name, or by one person or group in the name of another. A treasurer or candidate may not solicit or knowingly accept any such contribution. An anonymous contribution may not be used or expended. An anonymous contribution must be returned to the donor if his identity can be ascertained; if it cannot, the contribution escheats to the state [3].

D. Gambling Question Contributions. A contribution over $1,000 in the aggregate may not be made to any political action committee for advocating the approval or rejection of any gambling question [4].

E. Solicitation of Contributions by and From State Classified Employees. No classified employee or member of the personnel appeal board may solicit contributions for nor may he be solicited to contribute to any political party or campaign. Every state government officer, agent, clerk, or employee who has charge or control in any building, office, or room occupied for any state government purpose must not permit any person to enter for the purpose of making, collecting, receiving, or giving notice of any political assessment, subscription, or contribution, and no person may enter, or remain in any such facility or send or direct any letter or other notice there for the purpose of giving notice of, demanding, or collecting a political assessment, subscription, or contribution [5].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. "Expenditures" include all transfers of money, paid personal services, or other things of value to or by any candidate, political party committee, or political action committee [6].

B. Independent Expenditures. A person not acting in concert with any other person or group may expend personally from his own funds a sum that is not to be repaid to him for any purpose not prohibited by law to support or defeat a candidate or to advocate the approval or rejection of any question; however, a person making such expenditure is required to report all such expenditures and expenses if the total of the money so expended exceeds $200 within a calendar year to the campaign treasurer (or his deputy) of the candidate or political party committee on whose behalf the expenditure or contribution was made [7].

IV. REPORTING REQUIREMENTS

A. Designation of Campaign Treasurer. Each candidate in an election, political action committee, and state or municipal committee of a political party must appoint a campaign treasurer and file with the state board of elections the name and address of the treasurer and any deputy campaign treasurers appointed [8].

A "candidate" is (1) any individual who undertakes any action, whether preliminary or final, that is necessary under the law to qualify for nomination for election or election to public office or (2) individual who receives a contribution, makes an expenditure, or gives his consent for any other person to receive a contribution or make an expenditure with a view to bringing about his nomination or election to any public office, whether or not the specific office is known at the time the contribution is received or the expenditure is made and whether or not he has announced his candidacy or filed a declaration of candidacy at such time [9].

A "political action committee" is any group of two or more persons that accepts any contributions over $200 within a calendar year to be used for advocating the election or defeat of any candidates or for advocating the approval or rejection of any questions submitted to the voters [10].

A campaign treasurer must be appointed by a candidate before receiving any contribution or expending any money in furtherance or aid of his candidacy, by a political action committee before receiving any contribution or expending any money for the purpose of advocating the election or defeat of any candidate or the approval or rejection of any question, and by a state or municipal political party committee on or before January 31st each year [11].

A candidate may serve as his own campaign treasurer, and a candidate who fails to appoint a treasurer will be designated as his own treasurer by the state board of elections [12].

In the case of the death, resignation, or removal of a campaign treasurer, a successor must be appointed as soon as practicable and his name and address filed with the state board of elections within 10 days [13].

A campaign treasurer is required to keep accurate records, including records of contributions or expenditures over $25 [14].

B. Notice of Formation of a Political Action Committee. A political action committee must file notice of its organization with the state board of elections before accepting any contribution or making any expenditure. The notice must contain the name of any candidates whose election or defeat the committee intends to advocate and the questions whose approval or rejection the committee intends to advocate, the names and addresses of all officers of the committee, and the mailing address of the committee. A political action committee may not advocate the election or defeat of any candidate or question other than those set forth in its initial or amended notice of organization [15].

A political action committee that advocates the approval or rejection of any gambling question, that is, a referendum that relates to a proposal to institute gambling in any form, must also register with the secretary of state by submitting its name and the names and addresses of the chairman and treasurer [16].

C. Reports of Contributions and Expenditures. The campaign treasurer of a candidate, political action committee, and municipal or state political party committee must file with the state board of elections reports of contributions received and expenditures made in furtherance of the nomination, election, or defeat of any candidate or the approval or rejection of any question submitted to the voters if (1) contributions in excess of a total of $200 from any one source within a calendar year are received or (2) the total amount to be expended in behalf of a candidacy or question by the candidate, political action committee, or political party committee exceeds $5,000 in the aggregate [17].

A candidate, political committee, or political party committee may be excused from filing all reports for a campaign other than the final report due on the 28th day following the election if, on or before the first date for filing contribution and expenditure reports, the campaign treasurer files a sworn statement that he will accept no contributions nor make aggregate expenditures in excess of the minimum amounts for which a report is required. A political party committee is not required to file reports of contributions received or expenditures made in behalf of any candidate who has been excused from filing reports [18].

A report of contributions and expenditures must contain for the reporting period the name and address of each person from whom contributions in excess of a total of $200 were received within a calendar year and the amount contributed by each person, as well as the net proceeds realized from a testimonial affair, and the name and address of each person to whom expenditures in excess of $25 were made and the amount and purpose of each such expenditure; however, a report of expenditures is not required if the total amount to be expended on behalf of a candidate or question does not exceed $5,000 in the aggregate [19].

Pre-election reports must be submitted on the 28th and 7th days preceding a primary, general, or special election and a final report on the 28th day following the election. The reports are to cover the period from the date of the last report or, in the case of the initial report, from the date a person becomes a candidate or the date of appointment of a committee campaign treasurer, whichever is applicable [20].

Ongoing reports are required to be filed at 90-day intervals commencing 120 days following the election. The quarterly filing dates are March 31st, June 30th, September 30th, and December 31st. The first ongoing report is due on the quarterly date next following the expiration of the 120-day period [21].

A state and municipal committee of a political party must also file not later than March 1st each year an annual report setting forth in the aggregate all contributions received and all expenditures made during the previous calendar year, whether or not expenditures were made, incurred, or authorized in furtherance of the election or defeat of any candidate [22].

D. Report of Testimonial Proceeds for Personal Use. Within 90 days from the date of a testimonial affair that was intended to raise funds for the personal use of a person who holds public office or is a candidate for public office, the person or a duly authorized representative must make a full report to the state board of elections. The report must be made on a form prescribed by the state board and set forth the net proceeds realized from the testimonial affair and the names and addresses of each contributor of in excess of $100 to the affair and the amount contributed by each. The public office- holder or candidate is responsible for maintaining accurate financial records of the testimonial affair and for filing the report unless he files with the state board of elections prior to the affair a statement designating another person who will be responsible for maintaining the records and filing the report. The person who files the report must certify as to its correctness [23].

V. POST-ELECTION REQUIREMENTS

A. Certification of Completion of Business. Concurrent with the report of contributions and expenditures filed on the 28th day following an election or at any time thereafter, the campaign treasurer of a candidate, political party committee, or political action committee may certify to the state board of elections that the campaign fund of the candidate or committee instituted for the purposes of the past election has completed its business and been dissolved or, in the event the committee will continue its activities beyond the election, that its business regarding the past election has been completed. The certification must be accompanied by a final accounting of the campaign fund or of the transactions relating to the election, including the final disposition of any balance remaining in the fund at the time of dissolution or the arrangements that have been made for the discharge of any obligations remaining unpaid at the time of dissolution [24].

Once the campaign treasurer certifies that the campaign fund has completed its business and been dissolved, no contribution intended to defray expenditures incurred on behalf of or in opposition to a candidate or to advocate the approval or rejection of any question during the campaign can be accepted. Until the time the campaign treasurer certifies that the campaign fund has completed its business and been dissolved, he is required to file reports containing an account of contributions received and expenditures made at 90-day intervals commencing 120 days following the election [25].

VI. PUBLIC FINANCING PROVISIONS

A. Public Funding of Political Parties. The tax administrator is required to forward annually to the state general treasurer by August 1st all of the $2 political contributions made by individual taxpayers on their personal income tax returns. The treasurer is to remit annually by September 1st the designated partisan contributions to the chairman of the appropriate political party. The political contributions made to the non-partisan general account are also remitted by the state general treasurer to each political party: (1) 5% of the amount in the account is allocated to each political party for each general officer elected in the previous statewide election and (2) the remainder is allocated to each political party in proportion to the combined number of votes its candidates for general offices received in the previous statewide election [26].

Each political party that receives taxpayer political contributions may expend the moneys received for all purposes and activities permitted by the laws of the state and the United States; however, the moneys may not be utilized for expenditures to be made or incurred directly to support or defeat a candidate in a primary, general, or special election or town meeting or in an election for a political party nomination or political party office [27].

VII. TAX PROVISIONS

A. Tax "Credit." A "credit" is allowed an individual taxpayer against the personal income tax otherwise due for a taxable year for a contribution of $2 ($4 if married and filing a joint return) to a political party designated by the taxpayer or to a non-partisan general account if indicated. The credit for the political contribution must appear on the face of the state personal income tax return [28].

VIII. OFFENSES AND PENALTIES

A. Criminal Penalties. Any person who willfully and knowingly violates the provisions of the campaign contributions and expenditures reporting act upon conviction is guilty of a petty misdemeanor and must be fined not more than $500 [29].

Any person who willfully and knowingly violates the provisions concerning gambling questions upon conviction is guilty of a felony and must be imprisoned for not more than two years, fined not more than $5,000, or both [30].

B. Investigation by the State Board of Elections. The state board of elections may conduct confidential investigations and closed hearings relative to alleged violations of the campaign contributions and expenditures reporting law on its own initiative or upon receipt of a verified written complaint. Upon completion of its investigation or hearings, if the board has reason to believe that a violation of the reporting law has occurred, it may require the violator to be prosecuted by the attorney general [31].

C. Injunctive Relief and Forfeiture of Contributions. Whenever the state board of elections has reason to believe that a candidate, political party committee, or political action committee or its campaign treasurer or deputy campaign treasurer has accepted a contribution or made an expenditure in violation of the campaign contributions and expenditures reporting law, willfully and knowingly has made a false statement in any required report, has failed to file a required report, or has otherwise violated the reporting law, the board, in addition to all other actions authorized by law, may request the attorney general to bring an action in the name of the state in the superior court against the person or committee to enjoin it from continuing such violation or doing any acts in furtherance thereof and for such other relief as the court deems appropriate. In addition, the court may order the forfeiture of any or all contributions that have not been reported or have been accepted in violation of the reporting law. All forfeited contributions become the property of the state [32].

IX. REGULATORY AGENCIES

A. State Board of Elections. The state board of elections is the filing officer for all campaign finance-related reports [33]. The board has authority to perform such duties as are necessary to implement the provisions of the campaign contributions and expenditures reporting law, including developing required reports, preparing and publishing a manual prescribing the requirements of the law, adopting rules and regulations, ascertaining whether candidates, political party committees, and political action committees have failed to file reports or have filed defective reports, extending the dates upon which reports are required to be filed for good cause, investigating violations and conducting hearings concerning alleged violations, seeking injunctions against violators, and issuing advisory opinions upon request [34].

The board is required to furnish timely and adequate information to every candidate or prospective candidate for public office who becomes or is likely to become subject to the provisions of the reporting law and to every treasurer duly designated, informing them of their actual or prospective obligations and responsibilities under the law [35].

REFERENCES

1. General Laws of Rhode Island (hereafter GLRI) § 17-25-3(b), (d), (f)
2. GLRI § 17-25-10(a)
3. GLRI §§ 17-25-10(c); 17-25-12
4. GLRI § 17-25.1-1(b)
5. GLRI § 36-4-53
6. GLRI § 17-25-3(b)
7. GLRI § 17-25-10(b)
8. GLRI §§ 17-25-8; 17-25-8.1; 17-25-9
9. GLRI § 17-25-3(a)
10. GLRI § 17-25-3(j)
11. GLRI §§ 17-25-8; 17-25-8.1; 17-25-9
12. GLRI § 17-25-8
13. GLRI §§ 17-25-8; 17-25-8.1; 17-25-9
14. GLRI §§ 17-25-7(d); 17-25-11
15. GLRI § 17-25-15

16. GLRI § 17-25.1-1(a)
17. GLRI §§ 17-25-7(a); 17-25-11
18. GLRI §§ 17-25-7(a); 17-25-11
19. GLRI §§ 17-25-7(a), (c); 17-25-11
20. GLRI §§ 17-25-7(a); 17-25-11
21. GLRI § 17-25-11; State Board of Elections Rule (January 24, 1986) (reported in the letter of January 24, 1986, from Anthony J. Bucci, Jr., to James A. Palmer)
22. GLRI § 17-25-7(b)
23. GLRI § 17-25-7.1
24. GLRI § 17-25-11
25. GLRI § 17-25-11
26 GLRI § 4-30-2(a)
27. GLRI § 4-30-2(a)
28. GLRI § 4-30-2(a)
29. GLRI § 17-25-13
30. GLRI § 17-25.1-2
31. GLRI § 17-25-5(7)
32. GLRI § 17-25-16
33. GLRI §§ 17-25-7(a); 17-25-8; 17-25-8.1; 17-25-9; 17-25-11; 17-25-15; 17-25.1-1
34. GLRI §§ 17-25-5; 17-25-5.1
35. GLRI § 17-25-5

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CAMPAIGN FINANCE LAW
IN SOUTH CAROLINA

I. INTRODUCTION

South Carolina requires candidates, committees supporting candidates, political parties, and other organized groups to file a post-election list of contributions and expenditures. The state ethics commission is responsible for the administration of the campaign practices and disclosure law in regard to non-legislative candidates; the ethics committee of each house of the state legislature supervises legislative candidates.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is a gift, subscription, loan, advance, in-kind, service, or deposit of money or anything of value made for the purpose of influencing the nomination for election, election, or appointment of any person to elective or appointed public office, (2) a transfer of funds between political committees, and (3) the payment by any person other than a candidate or political committee of compensation for the personal services of another person that are rendered to the candidate or committee without charge for any such purpose. The term "contribution" does not include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee for which they receive no compensation from any source [1]. "Anything of value" means any item, article, money, or thing of monetary worth, but does not include food and beverage of nominal cost that is consumed at the time presented and in the presence of the donor and any item of nominal value not exceeding $10 [2]. Funds that the candidate solicits or receives from his personal funds for the purpose of influencing his nomination or election are considered to be a contribution [3].

B. Compensation to Influence a Public Official or Employee. No person may give or offer to any public official or public employee any compensation, including a promise of future employment, to influence his action, vote, opinion, or judgment as a public official or public employee, and a public official may not solicit or accept any compensation to influence his action, vote, opinion, or judgment; however, this prohibition does not apply to political contributions unless the contributions are conditioned upon the performance of specific actions of the public official accepting the contributions [4].

III. REPORTING REQUIREMENTS

A. Contributions and Expenditures Lists. Any candidate for public office, any committee working on behalf of a candidate for public office, or any duly organized group or political party receiving or soliciting funds for the support of a political candidate is required to maintain a record of all funds and contributions received, with the name and amount of each individual or group contributing more than $100 and to what candidate the contribution was made [5].

Duplicate, certified originals of the contributions and expenditures list showing the names of all contributors of more than $100 must be filed with the appropriate supervisory office within 30 days after each election in which contributions are sought or received. The candidate, committee, group, or party must maintain a current list of all contributors of more than $100 during the two-week period prior to the election, and this list is required to be open to public inspection upon request. When a final list is filed with the supervisory office, the candidate or group receiving the funds must file a certified report stating the amounts expended, the purposes of the expenditures, the amount retained, and the ultimate distribution of the retained amount [6].

A political party or political action committee required to submit campaign finance reports to the federal election commission may file the FEC reports in lieu of the reports required by the state ethics act if a report of all expenditures of less than $100 is also included and as long as the dates on which FEC reports are to be filed fits within the time schedule required by the state ethics act [7].

A "candidate for public office" subject to the contributions and expenditures recordkeeping and reporting requirements refers to a person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official or a person who has been nominated for appointment to service in an office filled by election by the general assembly or an appointive office requiring the advice and consent of the state senate or the general assembly, but does not include a candidate for the presidency or vice-presidency of the United States [8]. A "public official" is any elected or appointed official of the state or a county, municipality, or any political subdivision thereof, other than the judiciary [9].

An "election" after which a contributions and expenditures list must be filed includes (1) a general, special, primary, or run-off election; (2) a convention or caucus of a political party held to nominate a candidate; and (3) the election of delegates to a constitutional convention for proposing amendments to the U.S. Constitution [10].

The appropriate supervisory office with which contributions and expenditures lists are required to be filed is the state ethics commission, except in the case of state senator or state representative candidates. The senate ethics committee is the supervisory office for state senate candidates and the house of representatives ethics committee for state representative candidates [11].

B. Candidate Statement of Economic Interests. At the time a declaration of candidacy or a petition to appear on the election ballot is filed, each candidate must file a statement of economic interests with the party official, election official, or other designated official authorized to receive a declaration of candidacy or petition. The party official, election official, or other designated official authorized to receive the declaration of candidacy or petition must then forward the completed statement of economic interests for each candidate to the appropriate supervisory office within 5 days after the close of the filing period for the office [12].

IV POST-ELECTION REQUIREMENTS

A. Supplemental Reports. The campaign finance filing requirements continue after an election so long as the candidate, whether he was successful or not in the election, continues to collect funds for the purpose of paying expenses for the election, and the candidate is required to file an amendment to the final contributions and expenditures list filed with the supervisory office within 10 days after the end of each calendar quarter in which funds were received or expended. The supervisory office is required to forward a copy of each statement or report filed with it to the clerk of court in the county of residence of the candidate [13].

V. OFFENSES AND PENALTIES

A. Criminal Penalties. Except as otherwise specifically provided, any person who willfully violates any provision of the campaign practices and disclosure law is deemed guilty of a misdemeanor and upon conviction must be fined not more than $1,000, imprisoned for not more than 90 days, or both [14].

B. Complaint Against Non-Legislative Candidate. The state ethics commission is authorized to make investigations with respect to (1) statements filed with the commission under the state ethics act, (2) alleged failures to file any such statement, and (3) upon complaint by any individual, alleged violations of any part of the act by any public official or public employee, except members of the general assembly. Every complaint by an individual must be investigated by the commission and a determination made thereon [15].

No complaint may be accepted concerning a candidate for elective office if it was filed (1) in the 50-day period prior to any election in which he is a candidate unless he qualified for election within 50 days of the election or (2) later than three years after the alleged violation occurred [16].

If the commission determines that the complaint alleges facts sufficient to constitute a violation, it must promptly investigate the alleged violation. If after this preliminary investigation the commission finds that probable cause exists to support the alleged violation, it must, as appropriate (1) render an advisory opinion to the respondent and require his compliance therewith within a reasonable time or (2) convene a formal hearing on the matter. The hearing may be held after a notice of not less than 30 days after making the probable cause determination or after a notice of not less than 30 days after the respondent's failure to comply with the advisory opinion, whichever comes later [17].

Upon completion of its investigation and any hearing, the commission must, where appropriate (1) recommend disciplinary or administrative action or (2) in the case of an alleged criminal violation refer the matter to the attorney general. The attorney general may seek injunctive relief or may take other appropriate action as necessary [18].

C. Complaint Against Legislative Candidate. Each legislative ethics committee is authorized to receive and hear any complaint that alleges a violation of the state ethics act. A complaint filed within 50 days of a primary or general election in which a member is a candidate may not be received. Any complaint received prior to the 50-day period must be disposed of not less than 30 days before the election. If a legislative ethics committee determines that a complaint alleges facts sufficient to constitute a violation, it must promptly investigate the alleged violation. If after this preliminary investigation it finds that probable cause exists to support the alleged violation, the committee must convene a hearing on the matter within 30 days after making the probable cause determination [19].

If the committee finds, based on competent and substantial evidence presented at the hearing, that the state ethics act has been violated, it must report its findings to the appropriate legislative body. The committee is to recommend whatever sanction is considered appropriate for a particular member. The legislative body is then required to take appropriate action, which may include recommendation of a public or private reprimand, expulsion, referral of the matter to the attorney general in the case of an alleged criminal violation, or dismissal of the charges [20].

D. Election-Related Remedy. If a statement of economic interests is not filed by a candidate as required by the state ethics act, his name may not appear on the election ballot, and if his name inadvertently appears on the ballot, he may not be certified subsequent to the election [21].

VI. REGULATORY AGENCIES

A. State Ethics Commission. The state ethics commission is required to (1) prescribe and furnish forms for statements required to be filed; (2) prepare and publish a manual setting forth recommended uniform methods of reporting; (3) issue upon request and publish advisory opinions; (4) promulgate and publish rules and regulations to carry out the provisions of the campaign practices and disclosure law; and (5) make investigations with respect to statements filed with the commission and alleged failures to file any such statement [22]. The commission is the filing office for all contributions and expenditures lists, except those relating to state senator and state representative candidates [23].

B. Legislative Ethics Committees. The senate ethics committee in the case of state senate candidates or the house of representatives ethics committee for state representative candidates is the filing office for contributions and expenditures lists and is responsible for investigating violations of the campaign practices and disclosure law involving those candidates [24].

REFERENCES

1. Code of Laws of South Carolina 1976 Annotated (Lawyers Co-operative) (hereafter CLSCA) § 8-13-20(j)
2. CLSCA § 8-13-20(l)
3. State Ethics Commission, Advisory Opinion (hereafter Adv. Op.) SEC 77-014 (October 12, 1976)
4. CLSCA § 8-13-420
5. CLSCA § 8-13-620
6. CLSCA § 8-13-620
7. Adv. Op. SEC 78-051 (May 11, 1978); Adv. Op. 78-057 (June 20, 1978)
8. CLSCA § 8-13-20(c)
9. CLSCA § 8-13-20(3)
10. CLSCA § 8-13-20(h)
11. CLSCA § 8-13-20(k)
12. CLSCA § 8-13-610(a)
13. CLSCA § 8-13-630

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14. CLSCA § 8-13-1010
15. CLSCA § 8-13-120(e)
16. CLSCA § 8-13-120(e)
17. CLSCA § 8-13-120(f)(1)
18. CLSCA § 8-13-120(f)(2)
19. CLSCA §§ 8-13-230; 8-13-240(a)
20. CLSCA §§ 8-13-230(3);
8-13-240(c); 8-13-250
21. CLSCA § 8-13-610(a)
22. CLSCA § 8-13-120
23. CLSCA §§ 8-13-620; 8-13-20(k)
24. CLSCA §§ 8-13-620; 8-13-20(k);
8-13-230; 8-13-240

CAMPAIGN FINANCE LAW IN SOUTH DAKOTA

I. INTRODUCTION

South Dakota requires state, legislative, and county office candidates; political committees participating in state, legislative, or county office elections; and political committees and persons participating in an election on a question or constitutional amendment to file periodic statements of contributions and expenditures; however, reports are not required of state office candidates and their committees that do not collect or expend over $500 in a calendar year. No person may contribute in a calendar year more than $1,000 to or on behalf of a state office candidate or more than $250 to or on behalf of a legislative or county office candidate; however, there is no limit for the candidate, the candidate's spouse, and certain relatives of the candidate and their spouses. Candidates, political committees, and political parties may receive contributions only from individuals, associations, and political parties. Contributions to a political party are limited to $3,000 in a calendar year. Associations and corporations may establish political committees. The secretary of state has general responsibility for the administration of the campaign finance law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. There is no express definition in the campaign finance law as to what constitutes a contribution; however, the scope of the term may be inferred from the reporting requirements and other definitions. A "contribution" appears to be any valuable consideration received by a candidate or a person authorized by the candidate or by a legal or natural person or a committee involved in the referral or initiation of any question or proposed constitutional amendment at any general election [1].

B. Contributions to an Individual Candidate. A person may not contribute more than $1,000 to or in behalf of any individual candidate for state-wide office in any calendar year or more than $250 to or on behalf of any individual candidate for legislative or county office; however, this limitation on individual contributions to an individual candidate does not apply to contributions from the candidate, the candidate's spouse, or a relative or spouse of a relative within the third degree of kinship with the candidate or candidate's spouse [2]. According to the attorney general, this limitation on contributions by persons does not apply to a political committee [3]. A contribution "in behalf of" an individual candidate does not include costs incurred without the consent of a candidate or his agent [4].

C. Contributions to a Political Party. A person may not contribute more than $3,000 to or in behalf of any political party in a calendar year [5].

D. Authorized Sources of Contributions. A candidate, committee, or political party may receive a contribution of valuable consideration only from an individual, association, or political party [6].

E. Contributions by an Association. An association may contribute any valuable consideration out of funds contributed for the purpose of making political contributions, but may not make contributions out of dues or treasury funds. The administration of and solicitation of contributions for a political committee established by an association or the use of an association's real property or personal property located on its business premises are not considered to be contributions of valuable consideration and are not prohibited or required to be reported [7].

F. Contributions by a Corporation. A corporation may not contribute any valuable consideration to any candidate, committee, or political party; however, this prohibition, according to the attorney general, does not apply to corporate spending to influence ballot questions [8]. The administration of and solicitation of contributions for a political committee established by a corporation and the use of a corporation's real property or personal property located on its premises are not considered to be contributions of valuable consideration and are not prohibited or required to be reported [9].

G. Contribution of Voluntary Work. The campaign financing law does not prohibit voluntary work for or on behalf of any candidate for public office, but all expenses for such purpose by a candidate or committee must be set forth in the statement of contributions and expenditures [10].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. There is no express definition in the campaign finance law as to what constitutes an expenditure; however, the scope of the term may be inferred from the reporting requirements and other definitions. An "expenditure" appears to be any valuable consideration obligated or paid by a candidate or a person authorized by the candidate or by a legal or natural person or a committee involved in the referral or initiation of any question or proposed constitutional amendment at any general election [11].

B. Ordinary and Usual Campaign Expenses. The campaign finance law does not prevent the necessary expenditure of money for any ordinary or usual expense of conducting a political campaign unless expressly forbidden, but all expenses for such a purpose by a candidate or committee must be set forth in a statement of contributions and expenditures [12].

IV. REPORTING REQUIREMENTS

A. Statement of Contributions and Expenditures

1. General Provisions. A state executive, state legislative, or county office candidate at a primary or general election, a political committee participating in a primary or general election, and a person or political committee involved in the referral or initiation of any question or proposed constitutional amendment at a general election must file detailed statements of contributions and expenditures with the appropriate filing officer [13]. A candidate for judicial, municipal, school district, or other governmental subdivision office is expressly excluded from the campaign finance provisions, including the requirement for filing statements of contributions and expenditures; however, a municipal governing body may adopt an ordinance to make the provisions applicable to municipal elections [14].

A candidate required to file statements of contributions and expenditures includes a person whose name is presented for nomination to public office at any primary election or convention, regardless of whether the person is actually nominated, and a person whose name is printed as a candidate on the official ballots used at any election [15].

A "political committee" or "committee," as the terms are used in the campaign finance provisions, includes every two or more persons who are elected, appointed, or otherwise chosen or who cooperate for the purpose of raising, collecting, or disbursing money or controlling or directing the raising, collection, or disbursement of money for securing nominations or elections to office or the adoption or defeat of any question submitted to the voters of the whole state or any political division thereof, whether the committee represents a regular political party organization, the interest of some candidate or group of candidates, or the adoption or defeat of any question [16].

A detailed statement of all valuable consideration received, obligated, or paid must itemize all contributions and expenditures and include the name, residence address, and place of employment of any person who has contributed an aggregate amount of more than $100 or the equivalent in a calendar year [17]. A statement by a candidate or treasurer of a political committee must be on the forms and verified in the manner prescribed by the secretary of state [18].

2. State Office Candidate and Candidate's Political Committee. A statement of contributions and expenditures is required to be filed only when a candidate for state office at a primary or general election or his committee collects or expends more than $500 in a calendar year. If the candidate or his committee does not collect or expend more than $500 in a calendar year, the candidate or committee must file a verified statement to that effect on a form prescribed by the secretary of state [19].

A statement of contributions and expenditures of a state office candidate at a primary or general election and a political committee participating in a primary or general election must be filed with the secretary of state on the last Tuesday prior to the election and be complete through the 10th day prior to the election [20]. A candidate or a candidate's committee is not required to file a pre-election report unless it has had a contribution in excess of $100 or its expenditures have exceeded $2,000 at the time the pre-election report is to be made [21].

A statement for the preceding calendar year or the remainder of a previous calendar year not covered by a previous statement must be filed by February 1st. All statements are to be consecutive and taken together cover the entire calendar year's receipts and expenditures [22].

3. Legislative or County Office Candidate and Candidate's Political Committee. A statement of contributions and expenditures of a legislative or county office candidate at a general or special election and a political committee participating in any legislative or county election must be made and filed by July 1st and December 31st of the election year. The statement filed after a general election must be a termination statement and indicate the disposition of any remaining funds or obligations of the candidate or committee [23].

A candidate for legislative office and his committee must file with the secretary of state; a candidate for county office and his committee files with the county auditor [24].

4. Person or Committee Involved With a Ballot Question. A legal or natural person or committee that is involved in the referral or initiation of any question or proposed constitutional amendment at any general election must file a statement of contributions and expenditures with the secretary of state by July 1st in the election year and by the last Tuesday prior to the election. The statement must be complete through the 10th day prior to the general election [25]. A committee is not required to file a pre-election report unless it has had a contribution in excess of $100 or its expenditures have exceeded $2,000 at the time the pre-election report is to be made [26]. By February 1st of each calendar year, the person or committee must file a statement for the preceding calendar year or the remainder of the preceding calendar year. All statements are to be consecutive and taken together cover the entire calendar year's receipts and expenditures [27].

5. Political Committee Other Than a Candidate or Ballot Question Political Committee. According to the secretary of state and attorney general, a political committee, other than a candidate's political committee and a ballot question political committee, that participates in a primary or general election is required to file statements of contributions and expenditures, regardless of the amount of contributions or expenditures. This reporting requirement applies to both in-state and out-of-state political action committees [28].

The statement must be filed with the secretary of state on the last Tuesday prior to the election and be complete through the 10th day prior to the election; however, a committee is not required to file a pre-election report unless it had a contribution in excess of $100 or its expenditures have exceeded $2,000 at the time the pre-election report is to be made [29]. A statement for the preceding calendar year or the remainder of the previous calendar year not covered by a previous statement must be filed by February 1st. All statements are to be consecutive and taken together cover the entire year's receipts and expenditures [30].

If a political committee that files with the Federal Election Commission reports on a regular basis makes a contribution to a state candidate for governor, the legislature, or other state or local office, it is the policy of the secretary of state to accept a copy of the FEC report listing the contribution in lieu of the state report. If a political action committee is formed specifically to support in-state candidates for state or local office, it must file the required state reports. If an out-of-state political action committee has its headquarters in a state that requires regular filing of campaign finance reports, the secretary of state will accept the filing of a copy of the out-of-state report that shows contributions to in-state candidates if the filing dates in the other state are close to the South Dakota filing dates [31].

B. **Supplemental Statement for a Large Contribution.** If any state office candidate or his committee receives an aggregate contribution of $500 or more within 9 days immediately prior to an election from any individual, the candidate or committee must make and file a supplement to its statement of contributions and expenditures with the secretary of state within 48 hours of receipt of the contribution. The supplement must state the name and residence address of the contributor and the amount of the contribution [32]. The secretary of state considers this requirement to be applicable to all political committees [33].

C. **Statement of Financial Interest.** A candidate for federal, state, or local office, as enumerated by statute, is required to file a statement of financial interest with the secretary of state or county auditor, as appropriate, within 15 days after the filing of a nominating petition or the certification of nomination, whichever is applicable [34].

V. OFFENSES AND PENALTIES

A. **Criminal Penalties.** It is a class 2 misdemeanor to violate the provisions of the campaign financing and candidate's financial statements law, specifically (1) the $3,000 limitation on annual contributions to a political party, (2) the limitation on contributions by a corporation or association, (3) the requirement for a candidate or committee to list contributed voluntary work and ordinary and usual campaign expenses on a statement of contributions and expenditures, (4) the requirement for a state office candidate and political committee to file a statement of contributions and expenditures, (5) the requirement for a state office candidate and political committee to file a supplemental statement for a large contribution, (6) the requirement for a person or committee involved with a ballot question to file a statement of contributions and expenditures, (7) the intentional making of a false statement in any required sworn statement (perjury), and (8) the requirement for a candidate to file a statement of financial interest [35].

B. **Forfeiture of Office, Removal From the Ballot, and Withholding of Certification.** A person nominated or elected to any office who is proved in a contest of the election or in any other manner provided by law to have violated any provision of the campaign financing and candidates' financial statements law must forfeit his office, be removed from the ballot, or not be certified for election [36].

VI. REGULATORY AGENCIES

A. **Secretary of State.** The secretary of state is the designated filing officer to receive statements of contributions and expenditures from all candidates and political committees required to file statements, other than county office candidates and their committees, and to receive supplemental statements for large contributions [37]. The secretary of state also is the filing officer for statements of financial interest filed by federal, state executive, state legislative, and judicial office candidates [38].

B. **County Auditor.** The county auditor is the filing officer for statements of contributions and expenditures filed by county office candidates and statements of financial interest filed by local office candidates [39].

C. **Attorney General.** It is the duty of the attorney general to investigate any expenditures or statements filed under the provisions of the law on campaign financing and candidates' financial statements and to prosecute any violations [40].

REFERENCES

1. South Dakota Codified Laws Annotated (hereafter SDCLA) §§ 12-25-13; 12-25-13.3; 12-25-19.1
2. SDCLA § 12-25-1.1
3. Opinions of the South Dakota Attorney General (hereafter Op. Att'y Gen.) 80-3 (January 10, 1980)
4. SDCLA § 12-25-1(6)
5. SDCLA § 12-25-1.2
6. SDCLA § 12-25-2
7. SDCLA §§ 12-25-2; 12-25-12.1
8. SDCLA § 12-25-2; Op. Att'y Gen. 78-38 (September 18, 1978)
9. SDCLA § 12-25-12.1
10. SDCLA § 12-25-12
11. SDCLA §§ 12-25-13; 12-25-13.3; 12-25-19.1
12. SDCLA § 12-25-12
13. SDCLA §§ 12-25-23; 12-25-13.3; 12-25-19.1
14. SDCLA § 12-25-6.1
15. SDCLA § 12-25-1(1), (2)
16. SDCLA § 12-25-1(4)
17. SDCLA §§ 12-25-13; 12-25-13.3; 12-25-19.1
18. SDCLA §§ 12-25-14; 12-25-18
19. SDCLA § 12-25-14.2
20. SDCLA § 12-25-13
21. SDCLA § 12-25-18.1
22. SDCLA § 12-25-13
23. SDCLA § 12-25-13.3
24. SDCLA § 12-25-13.3
25. SDCLA § 12-25-19.1
26. SDCLA § 12-25-18.1
27. SDCLA § 12-25-19.1
28. SDCLA § 12-25-13; Secretary of State, Campaign Finance Reporting Guidelines for Candidates and Committees (hereafter Reporting Guidelines) at 4, 13 (1986); Op. Att'y Gen. 80-3 (January 1, 1980)
29. SDCLA §§ 12-25-13; 12-25-18.1
30. SDCLA § 12-25-13
31. Reporting Guidelines, at 13
32. SDCLA § 12-25-13.1
33. Reporting Guidelines, at 2, 7
34. SDCLA §§ 12-25-28; 12-25-29; 12-25-30
35. SDCLA §§ 12-25-1.2; 12-25-2; 12-25-12; 12-25-13; 12-25-13.1; 12-25-19.1; 12-25-22; 12-25-23; 12-25-28; 12-25-29; 12-25-30
36. SDCLA § 12-25-26
37. SDCLA §§ 12-25-13; 12-25-13.1; 12-25-13.2; 12-25-19.1
38. SDCLA §§ 12-25-28; 12-25-29
39. SDCLA §§ 12-25-13.3; 12-25-30
40. SDCLA § 12-25-24

CAMPAIGN FINANCE LAW
IN TENNESSEE

I. INTRODUCTION

Tennessee requires candidates and political campaign committees in an election to file pre- and post-election statements of contributions and expenditures. Supplemental reports must be filed if a balance or deficit is shown in the post-election statement. A corporation is not permitted to use its funds to elect or defeat a candidate or to contribute to a political party campaign fund. The secretary of state administers the Campaign Financial Disclosure Act of 1980.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is any advance, conveyance, deposit, distribution, transfer of funds, loan, loan guaranty, personal funds of a candidate, payment, gift, pledge, or subcription of money or like thing of value and any contract, agreement, promise, or other obligation, whether or not legally enforceable, made for the purpose of influencing a measure or the nomination for election or election of any person for public office. The term "contribution" does not include (1) services including expenses provided without compensation by a candidate or individual volunteering a portion of all of his time on behalf of a candidate or campaign committee; (2) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodic publication, unless the facilities are owned wholly or in part or controlled by any political party, political committee, or candidate; (3) nonpartisan activity designed to encourage individuals to register to vote or to vote; (4) any written, oral, or electronically transmitted communication by any membership organization or corporation to its members or stockholders, if the membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election or election of any person to public office; (5) the use of real or personal property and the cost of invitations, food, and beverages not exceeding $100 that is voluntarily provided on an individual's residential premises for candidate-related activities; or (6) receipts and expenditures, including a reasonable amount for rent, by a state or county party executive committee or primary board when performing the duties imposed upon it by law, if the receipts and expenditures are segregated from and maintained in a fund separate and apart from any funds used by the party as a political campaign committee [1].

B. Solicitation of Contributions by or From State Public Officers or Employees. Under the "Little Hatch Act," it is unlawful for any public officer or employee knowingly to solicit directly or indirectly for political purposes or campaign expense any contribution of money, thing of value, facilities, or services of any person who has received contracts, compensation, employment, loans, grants, or benefits or any person whose organization, agency, or firm has received such benefits financed by state, federal, or local public funds. It is also unlawful to knowingly solicit, accept, or collect directly or indirectly any contribution from a public officer or employee if the solicitor or his principal is directly or indirectly in a supervisory capacity over the officer or employee or is otherwise able to control the retention, promotion, demotion, or terms or conditions of employment of the officer or employee. The solicitation restrictions of the "Little Hatch Act" are not to be construed to prevent voluntary contributions from political action committees and associations of public officers and/or employees [2].

A "public officer or employee" includes all employees of the executive branch of state government and all appointed officers and employees of educational institutions, establishments, corporations, and agencies supported principally by state funds, but does not include popularly elected officials, officials elected by the general assembly, qualified candidates for public office, teachers, and members of the governor's cabinet and staff [3].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing a measure or the nomination for election or election of any person to public office [4].

B. Corporation Expenditures and Contributions. It is unlawful for the executive officers or other representatives of any corporation doing business in the state to use any of the funds, moneys, or credits of the corporation for the purpose of (1) aiding, either in the election or defeat in any primary or final election, of any candidate for national, state, county, or municipal office, (2) aiding in the success or defeat of any proposition submitted to a vote of the people, or (3) in any way contributing to the campaign fund of any political party for any purpose whatsoever [5].

C. Specific Expenditures. A candidate in any political convention or primary or final election or any person may employ and maintain a proper clerical or office force employed and maintained in good faith. A political party, candidate, nominee, or organization may disseminate literature, defray the expense of public speakers, and announce any candidacy in any newspaper. Conveyances may be hired for voters who may be sick or otherwise unable to go to the polls [5].

IV. REPORTING REQUIREMENTS

A. General Provisions. All required statements must be sworn to or affirmed before a notary public or some other person authorized by law to administer oaths as being true and correct by the person filing the statements [7].

B. Certification of Political Treasurer. Each candidate and political committee must certify the name and address of its political treasurer to the secretary of state before it can receive or make an expenditure in a state election and to the county election commission before it can receive or make an expenditure in an election in a county [8].

A "candidate" is an individual who has made a formal announcement of his candidacy, has qualified to seek nomination for election to public office, has received contributions or made expenditures, except for incidental expenditures to determine if one will be a candidate, or has given his consent for a campaign committee to receive contributions or make expenditures with a view to bringing about his nomination for election or election to state public office [9].

A "political campaign committee" is (1) a combination of two or more individuals, including any state or local political party governing body, making expenditures not considered to be a contribution to support or oppose any candidate for public office or measure, but does not include a voter registration program; (2) any corporation or other organization making expenditures not considered to be a contribution to support or oppose a measure; or (3) any committee, club, association, or other group of persons that receives contributions or makes expenditures to support or oppose any candidate for public office or measure during a calendar quarter in an aggregate amount exceeding $250 [10].

A "multi-candidate political campaign committee" is a political campaign committee to support or oppose two or more candidates for public office or two or more measures [11].

An appointment of a political treasurer may be cumulative, and one such appointment is sufficient for both a primary and general election for the same office in the same year. A successful primary candidate is not required to certify a political treasurer for the general election if he has previously certified a political treasurer prior to the primary election [12]. A candidate may appoint himself as the political treasurer. A candidate or political campaign committee must notify the secretary of state or county election commission of any changes in its political treasurer [13].

C. Statements of Contributions and Expenditures. Each candidate and political campaign committee in a general, special, primary, or run-off election must file with the appropriate filing officer periodic statements of contributions received and expenditures made by or on behalf of the candidate or committee [14]. Separate reporting is required for both a primary and a general election [15].

A statement of contributions and expenditures must consist of one of the following: (1) a statement that neither the contributions received nor the expenditures made during the period for which the statement is submitted exceed $1,000 or (2) a statement setting forth (a) under "contributions," a list of all contributions received, including the name and address of each person who contributed a total amount of more than $100 during the period for which the statement is submitted and the amount contributed by the person, and the total amount of contributions of $100 or less listed as a single item, and (b) under "expenditures," a list of all expenditures made, including the name and address of each person to whom a total amount of more than $100 was paid during the period for which the statement is submitted, the total amount paid to that person, and the purpose, and the total amount of expenditures of $100 or less with each listed by category without showing the exact amount of or vouching for each expenditure [16]. When a candidate or political campaign committee required to file a statement has a zero balance of contributions and expenditures, the candidate or committee must file a statement setting forth such information [17].

Each candidate, single-candidate political campaign committee, and single-measure political campaign committee must file statements according to the following schedule:

(1) For any primary election or referendum, the statement must be filed not later than 7 days before the election and cover the period from and including the day that the first contribution was received or the first expenditure made, whichever was earlier, through the 10th day before the election or referendum.

(2) For any special or general election or referendum, the statement must be filed not later than 7 days before the election and cover the period from and including the day that the first contribution was received or the first expenditure made, whichever was earlier, or from the last day included in any prior report, whichever is later, through the 10th day before the election or referendum.

(3) For any runoff election, the statement must be filed not later than 7 days before the election and cover the period from the last day included in any prior report through the 10th day before the election.

(4) For all elections and referenda, a statement must be filed not later than 48 days after the election or referendum and cover the period from the last day of the prior report through the 45th day after the election or referendum. This post-election statement is the final statement if no subsequent report is required or the statement has a zero balance of contributions and expenditures [18].

Each multi-candidate political campaign committee must file reports quarterly within 10 days following the first day of January, April, July, and October. Each report must include transactions occurring since the preceding report [19].

Each candidate for state public office and each political campaign committee in a state election files with the secretary of state; however, a candidate for member of the general assembly and each political campaign committee for such candidate must also file a copy of the statement with the county election commission in the county where the candidate is a resident. Each candidate for local public office and each political campaign committee for a local election files with each county election commission of the county where the election is held [20].

D. Disclosure of Financial Interests. Candidates and appointees to enumerated state executive, legislative, and judicial offices and all city or county offices must file a disclosure statement with the secretary of state or county election commission, as appropriate, not later than 10 days following the last day for qualifying as a candidate or 20 days after appointment [21]. The statement must disclose major sources of income and other significant interests of the filer and his family [22].

V. POST-ELECTION REQUIREMENTS

A. Supplemental Report. If the statement of contributions and expenditures filed by a candidate, single-candidate political campaign committee, or single-measure political campaign committee not later than 48 days after an election shows an unexpended balance of contributions or an expenditure deficit, the candidate or political campaign committee must file with the secretary of state or county election commission, as appropriate, a supplemental statement of contributions and expenditures. If a candidate wins nomination, a supplemental statement need not be filed by the candidate with respect to the nomination campaign. The supplemental statement must be filed one year after the election or referendum. Whenever no balance of contributions and no deficit of expenditures occurs, a supplemental statement may be filed prior to the expiration of one year [23].

B. Recordkeeping. All records used by a candidate or political campaign committee to complete a statement of contributions and expenditures must be retained for at least one year after the date of the election to which the records refer [24].

VI. OFFENSES AND PENALTIES

A. Criminal Penalties. Any candidate or political campaign committee that fails to file a required statement or that files a statement that does not conform to the truth or to the requirements of the campaign financial disclosure law must be fined not more than $1,000. A person who willfully violates the campaign financial disclosure law is guilty of a misdemeanor [25].

An executive officer, agent, or other representative of any corporation doing business in the state who knowingly consents to, approves, or aids in the use of the funds of the corporation in violation of the prohibition against election-related expenditures and contributions is guilty of a misdemeanor and upon conviction must be fined not less than $500 nor more than $2,000 and imprisoned in the county jail or workhouse not less than 2 nor more than 6 months [26].

Any person who violates the provisions of the "Little Hatch Act" concerning the solicitation of contributions by or from public officers or employees is guilty of a misdemeanor [27].

B. Election-Related Penalties. A candidate who willfully violates any of the provisions of the campaign financial disclosure law forfeits his right to be qualified as a nominee for the general election, to be qualified as a candidate for a run-off election, or to be given a certificate of election [28].

C. Sworn Voter Complaint. A registered voter may file a sworn complaint alleging that a statement of contributions and expenditures filed regarding an election for which the voter was qualified to vote does not conform to law or to the truth or that a person has failed to file a statement required by law. A sworn complaint on a statement of a candidate for state public office or a political campaign committee for such candidate must be filed in the office of the attorney general. A sworn complaint on a statement of a candidate for local public office or a political campaign committee for such candidate must be filed in the office of the district attorney general who represents the judicial district in which the voter resides [29].

VII. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is required to administer the provisions of the Campaign Financial Disclosure Act of 1980 [30]. He is the filing officer for political treasurer certifications and statements of contributions and expenditures in state elections [31]. It is the duty of the secretary of state (1) to prescribe forms for contribution and expenditure statements and other information required to be filed and to make the forms available; (2) to seek from the attorney general, issue, and publish, upon proper request from any qualified candidate or public official, advisory opinions upon the requirements of the campaign disclosure law; (3) to promulgate any rules and regulations as may be appropriate for the administration of the campaign financial disclosure law; and (4) to notify all candidates for state public office in a state election of the requirements for filing any required statement 7 days before any deadline [32].

B. County Election Commission. The appropriate county election commission is the filing office for political treasurer certifications and statements of contributions and expenditures in an election in a county [33]. It is the duty of each county election commission to notify all candidates for local public office in a local election of the requirements for filing any required statement 7 days before any deadline [34].

C. Attorney General and District Attorneys General. The attorney general is required (1) to provide opinions on the requirements of the campaign financial disclosure law; (2) to advise county election commissions, primary boards, and registrars-at-large of their duties and responsibilities under the campaign financial disclosure law; (3) to investigate any sworn complaint; and (4) to seek injunctions or fines to enforce the campaign financial disclosure law against any candidate or political campaign committee about whom a sworn complaint has been filed, if such action is justified [35]. Each district attorney general is required to investigate any sworn complaint and to seek injunctions to enforce the campaign financial disclosure law against any campaign committee or candidate about whom a sworn complaint has been filed, if such action is justified [36].

Each district attorney general is required to investigate any sworn complaint and to seek injunctions to enforce the campaign financial disclosure law against any campaign committee or candidate about whom a sworn complaint has been filed, if such action is justified [36].

REFERENCES

1. Tennessee Code Annotated (hereafter TCA) § 2-10-102(3)
2. TCA § 2-19-203
3. TCA § 2-19-201(1)
4. TCA § 2-10-102(5)
5. TCA § 2-19-132
6. TCA § 2-19-139
7. TCA § 2-10-104
8. TCA § 2-10-105(e)
9. TCA § 2-10-102(2)
10. TCA § 2-10-102(10)
11. TCA § 2-10-102(12)
12. TCA § 2-10-105(g)
13. TCA § 2-10-105(e)

14. TCA §§ 2-10-105(a), (b); 2-10-102(4)
15. TCA § 2-10-105(g)
16. TCA § 2-10-107
17. TCA § 2-10-107(b)
18. TCA § 2-10-105(c)
19. TCA § 2-10-105(d)
20. TCA § 2-10-105(a), (b)
21. TCA § 8-50-501
22. TCA § 8-50-502
23. TCA § 2-10-106
24. TCA § 2-10-105(f)
25. TCA § 2-10-110(a), (c)
26. TCA §§ 2-19-133; 2-19-1
27. TCA § 2-19-208
28. TCA § 2-10-110(b)
29. TCA § 2-10-108(a)-(c)
30. TCA § 2-10-101(d)
31. TCA § 2-10-105(a), (e)
32. TCA § 2-10-103(a)
33. TCA § 2-10-105(b), (e)
34. TCA § 2-10-103(b)
35. TCA §§ 2-10-109(a); 2-10-103(d)
36. TCA § 2-10-109(b)

CAMPAIGN FINANCE LAW
IN TEXAS

I. INTRODUCTION

Texas requires candidates and political committees involved in an election to file periodic sworn statements of contributions and expenditures. Post-election reporting in lieu of regular reporting is permitted if contributions or expenditures in an election will not exceed $500. Large pre-election contributions in state legislative office elections must be reported within 48 hours. Annual reports of unexpended contributions are required of unsuccessful candidates. Officeholders may use unexpended contributions for non-reimbursable activities of the office. Independent expenditures by an individual of not more than $100 per election to aid or defeat a candidate or measure may be made without making a "contribution" or complying with the requirements for a political committee. There are no limits on the amounts of contributions, except in certain instances involving out-of-state political committees. A corporation or labor organization may not make candidate-related contributions, but may establish and administer a separate segregated fund or general purpose political committee to be used for political purposes. The secretary of state has the authority to administer and interpret the chapter of the state election code regulating political funds and campaigns.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is any advance, loan, deposit, or transfer of funds, goods, services, or any other thing of value or any contract or obligation, whether enforceable or unenforceable, to transfer any funds, goods, services, or anything of value involved in an election to any candidate or political committee. An individual or group of persons is "involved in an election" upon the receipt of a contribution or the making of an expenditure that was given or made and received with the intent that it be used or held for some election, and the receipt of or making of the contribution or expenditure may occur before, during, or after an election [1].

B. Candidate-Related Contributions and Expenditures by a Corporation or Labor Organization. A corporation or labor organization may not make a prohibited contribution or expenditure to a candidate, political committee, campaign treasurer, assistant campaign treasurer, or any other person for the purpose of aiding or defeating the nomination or election of any candidate, and a candidate, political committee, or other person may not knowingly accept any such prohibited contribution. A prohibited contribution or expenditure includes the giving, lending, or paying of any money or other thing of value, directly or indirectly, but does not include a loan made by a lending institution in the due course of business that is not directly or indirectly a contribution [2].

Expenditures for the following purposes by a corporation or labor organization are not prohibited: (1) communications on any subject to stockholders, members, and their families; (2) nonpartisan registration and get-out-the-vote campaigns aimed at stockholders, members, and their families; or (3) the establishment, administration, and solicitation of contributions from stockholders, employees, members, and their families to a separate segregated fund or other general purpose political committee to be used for political purposes by one or more corporations or one or more labor organizations. A separate segregated fund may not make a contribution or expenditure by using money or anything of value secured by actual or threatened physical force, job discrimination, or financial reprisals; by dues, fees, or other monies required as a condition of membership or employment; or by monies obtained in a commercial transaction [3].

C. Contributions From Out-of-State Political Committees. If a political committee not in the state has not elected to comply with the requirements applicable to a committee within the state, a candidate or political committee may not accept a contribution aggregating more than $500 in a reporting period from the committee unless the contribution is accompanied by either (1) a written statement that sets forth the full name and complete address of each person who contributed more than $100 to the committee during the preceding 12 months and that is certified by an officer of the contributing political committee or (2) a certified copy of the contributing political committee's statement of organization filed with the Federal Election Commission. A correct copy of any such statement must be included with the filed statement of contributions and expenditures in which the contribution is reported. A "political committee not in the state" is any political committee expending 80% or more of its expenditures in any combination of elections outside the state and federal offices not voted on in Texas within the immediately preceding 12-month period [4].

D. Contributions in Name of Actual Contributor. No person may make any contribution or expenditure in the name of another or on behalf of another without revealing that fact in order that the proper disclosure may be made [5].

E. Cash Contributions. No person except a general purpose political committee may accept a single contribution from a person in the form of cash that exceeds $100 [6].

F. Personal Use of Contributions. A candidate or officeholder who accepts a contribution may not convert it to personal use except as authorized by the state ethics advisory commission. "Personal use" means a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate or officeholder. The term does not include any payments made to defray ordinary and necessary expenses incurred with activities as a candidate [7].

G. Officeholder Use of Pre-Campaign Contributions. A contribution lawfully accepted by an officeholder to assist him in the performance of non-reimbursable duties or activities in connection with the office he holds prior to the designation of a campaign treasurer may be used as a campaign contribution after the treasurer is designated [8].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An expenditure is any payment made or obligation incurred by a candidate or political committee when such payment or obligation is involved in an election [9].

B. Expenditures Permitted Only by a Candidate or Campaign Treasurer. Except as expressly permitted, a person, other than a candidate, his campaign treasurer or assistant campaign treasurer, or the campaign treasurer of a political committee, may not make or authorize any campaign expenditure. Campaign expenditures must be made by the candidate, his campaign treasurer or assistant campaign treasurer, or the campaign treasurer of a political committee [10].

C. Expenditure of Unlawful Contributions. A candidate, political committee, campaign treasurer, assistant campaign treasurer, or any other person may not expend funds from unlawful contributions [11].

D. Independent Expenditures by Individuals. An individual not acting in concert with any other person may expend a sum in a campaign that does not in the aggregate exceed $100 per election for any lawful purpose out of his own funds to aid or defeat any candidate or measure if the sum is not to be repaid to him, and the expenditure is not reportable to any authority unless it constitutes a contribution. If an individual not acting in concert with any person wishes to expend more than $100, he may do so either by making a contribution or complying with all of the requirements as if he were a campaign treasurer of a political committee. An individual may donate his own personal services and personal traveling expenses to aid or defeat any candidate or measure, and the donation will not constitute a contribution or expenditure if he is not compensated or reimbursed [12].

E. Corporate Expenditures to Aid or Defeat Measures. A corporation or a labor organization may expend its own funds for the purpose of aiding or defeating a measure by making a contribution to a political committee that supports or opposes measures exclusively and, if it is not acting in concert with any other person, to make direct expenditures from its own funds for the purpose of aiding or defeating a measure by complying with the requirements for independent expenditures by an individual [13].

F. Investment of Contributions. According to the secretary of state, candidates and political committees may invest contributions in income-producing sources. The secretary has construed the state election code as permitting a political committee to invest in an interest-bearing bank account and in investments designed to earn a positive return from corporate investment sources [14]. The secretary has also determined that an officeholder, and presumably a candidate, is not prohibited from investing contributions in a corporate stock venture as long as the investment does not primarily further individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office. A positive return on an investment becomes reportable as a contribution if obligated or used for such purpose, and a loss of any portion of invested contributions is reportable as a "payment that is not an expenditure" [15].

IV. REPORTING REQUIREMENTS

A. Definition of Candidate and Political Committee. The following definitions are used in the chapter of the state election code regulating political funds and campaigns (Chapter 25 of Title 15):

(1) A "candidate" is any person who has knowingly and willingly taken affirmative action for the purpose of seeking nomination or election to any public office that is required by law to be determined by an election [16].

(2) A "political committee" is any group of persons formed to collect contributions or make expenditures in support of or in opposition to a candidate or candidates, whether presently identifiable or not, or a measure or measures, whether presently identifiable or not, on a ballot in a public election [17].

(3) A "specific purpose political committee" is any political committee that accepts only contributions and/or makes only expenditures in support of or in opposition to candidates who are identifiable and for whom the offices to be sought are known or any political committee that accepts only contributions and/or makes expenditures in support of or in opposition to measures that are identifiable [18].

(4) A "general purpose political committee" is any political committee that accepts contributions and/or makes expenditures in support of or in opposition to candidates who are indefinite in identity or for whom the offices to be sought are unknown or any political committee that accepts contributions and/or makes expenditures in support of or in opposition to measures that are indefinite in identity [19].

(5) "Election" is defined as any election held to nominate or elect a candidate to any public office and any election at which a measure is submitted to the people [20].

B. Appointment of Campaign Treasurer. Every candidate for nomination or election to a state, district, county, or municipal or political subdivision office; every special purpose political committee in an election involving a candidate or measure; and every general purpose political committee must designate a campaign treasurer by written appointment filed with the appropriate filing officer [21]. No contribution may be accepted or expenditure made, including the payment of a filing fee by a candidate, until the name of the campaign treasurer has been filed with the appropriate filing officer [22]. A political committee may not make a contribution or expenditure in support of or in opposition to a candidate for state or district office unless the committee's designation of a campaign treasurer has been filed before the 30th day preceding the appropriate primary or general election day [23].

A candidate intending to become a candidate may file a campaign treasurer designation before taking any affirmative action for the purpose of seeking nomination or election [24]. A candidate may appoint himself as campaign treasurer [25]. A campaign treasurer or assistant campaign treasurer may be removed by a candidate or political committee at any time by written appointment of a successor filed in the manner for an original appointments [26].

A specific purpose campaign committee in an election involving a state or district office or statewide or district measure and each general purpose political committee may also designate an assistant campaign treasurer to act in the absence of the committee's campaign treasurer [27]. Such assistant campaign treasurer of a political committee may perform any of the reporting duties imposed on the political committee's campaign treasurer in the absence of the campaign treasurer and may make or authorize campaign expenditures [28].

Assistant campaign treasurers for each affected county may be designated by a general purpose political committee; a candidate for state office, district office, or political subdivision office in a political subdivision extending beyond the boundaries of one county; and a specific purpose political committee in a statewide election, district election, or political subdivision election in a political subdivision extending beyond the boundaries of one county [29]. "County" assistant campaign treasurers apparently are authorized only to make or authorize campaign expenditures [30].

The written appointment of a campaign treasurer and assistant campaign treasurer for a general purpose political committee is filed with the secretary of state, and appointments of the committee's assistant campaign treasurers in each county are filed either with the appropriate county clerk or the secretary of state [31].

The campaign treasurer appointments for a candidate and specific purpose political committee in a statewide or district election are filed with the secretary of state, as is the appointment of an assistant campaign treasurer for a specific purpose political committee in such an election. The appointments of "county" assistant campaign treasurers in each county are filed either with the appropriate county clerk or the secretary of state [32].

The campaign treasurer appointment for a candidate or specific purpose political committee in a county election is filed with the county clerk [33].

The campaign treasurer appointments for a candidate or specific purpose political committee in a municipal or political subdivision office election is filed with the clerk or secretary of the municipality or political subdivision, as are the appointments of "county" assistant campaign treasurers for each county in elections in political subdivisions extending beyond the boundaries of one county [34].

If it is not possible for a candidate or specific purpose political committee to determine which filing officer is appropriate for the filing of campaign treasurer designation, then a filing with the secretary of state is sufficient until the time the appropriate filing officer is determined [35].

In a county in which a county elections administrator has assumed the duties and functions placed on the county clerk by the state election code, that local officer is the appropriate county-level filing authority instead of the county clerk [36].

Each candidate, political committee, or campaign treasurer for a candidate or committee is required to keep an accurate record of contributions received and expenditures made, and the record must contain all the information required to be reported by the candidate or political committee [37].

C. Statement of Organization of a General Purpose Political Committee. A general purpose political committee must file a statement of organization with the secretary of state at the time it files the name of its campaign treasurer. If there is a change in the information, the political committee must file an amended statement of organization not later than the 30th day after the change occurs. The statement must include the committee's campaign treasurer's name, business or residence street address, and telephone number, and either the name of each corporation, labor organization, or other association or legal entity that directly establishes, administers, or controls the political committee, if applicable, or the name of each person that determines to whom the political committee makes contributions or for what purposes it makes expenditures [38].

D. Sworn Statements of Contributions and Expenditures

1. General Provisions. A candidate whose name is printed on the ballot, each person who after having become a candidate has withdrawn, each write-in candidate taking affirmative action in an election, and each political committee involved in an election concerning a candidate or measure must file sworn statements of contributions and expenditures [39]. Candidates for federal offices are specifically exempted from these requirements, but must file copies of any reports required by federal law with the secretary of state on the same date they file the reports with the appropriate federal authorities [36].

Each statement of contributions and expenditures, accompanied by a verified affidavit as to its truth, correctness, and completeness, must list all contributions received and expenditures made during the period covered by the statement and include (1) the full name and complete address of each person from whom contributions in an aggregate amount of more than $50 were received and the date and amount of the contributions; (2) the full name and complete address of each person to whom any expenditures aggregating more than $50 were made and the date, amount, and purpose of the expenditures; (3) the full name and complete address of each person to whom a payment that is not an expenditure was made, if the payment was made from a contribution, and the date, amount, and purpose of the payment; (4) the full name and complete address of each person who assisted in obtaining credit or a loan of money for or on behalf of the candidate or political committee or who guaranteed or otherwise agreed to assume any financial obligation for or on behalf of the candidate or political committee, if the benefit of the credit, the proceeds of the loan, or the guarantee or assumption of the obligation was to be involved, directly or indirectly, in an election, and the date and total value of the credit, loan, or guarantee or assumption; (5) a total of all contributions of $50 and less received and a total of all expenditures of $50 and less made; (6) a total of all contributions received and all expenditures made; and (7) the total of unexpended contributions received or the outstanding indebtedness from expenditures made as of the end of the period covered by the previous statement. Each statement also must include the campaign treasurer's name, business or residence street address, and telephone number and, in the case of a general purpose political committee, the principal occupation of each person from whom contributions in an aggregate amount of more than $50 was received in the period covered by the statement [41].

A candidate who receives an in-kind contribution is required to report the fair market value of the contribution on the applicable sworn statement as both a contribution and a simultaneous expenditure. The proceeds obtained from a subsequent sale of the item are not to be reported as a contribution if the sale was a commercially reasonable transaction for fair market value [42].

In the report of a contribution received from an out-of-state political committee, the information for the contributing committee that is required to be contained in a statement of organization for a political committee must be included unless a copy of the committee's statement of organization filed with the federal election commission is filed instead [43].

The statement and oath must be filed with the following filing officers: (1) for a county office or a measure submitted at an election called by a county--with the county clerk of the county; (2) for a state or district office or statewide measure--with the secretary of state; (3) for a municipal office or a measure submitted at a municipal election--with the city secretary or city clerk; and (4) for a political subdivision office or a measure submitted at a political election called by a political subdivision other than a county or municipality--with the secretary of the governing body of the political subdivision. General purpose political committees file with the secretary of state [44].

In a county in which a county elections administrator has assumed the duties and functions placed on the county clerk by the state election code, that local officer is the appropriate county-level filing authority instead of the county clerk [45].

The deadline for filing any required statement is 5 p.m. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or an official state holiday, the deadline is extended to 5 p.m. of the next day that is not a Saturday, Sunday, or enumerated holiday. A statement is deemed to be timely filed if it is placed in the U.S. post office or in the hands of a common or contract carrier properly addressed to the appropriate authority within the time limits applicable to the statement [46].

A candidate or political committee may cease filing statements regarding a campaign after a final statement has been filed and designated as such. Any of the required statements may constitute a final statement if its filing results in the completion of the reporting of all contributions and expenditures involved in an election, together with the appropriate related information, required to be reported [47].

2. Candidates and Specific Purpose Political Committees. Candidates and the campaign treasurers of specific purpose political committees must file sworn statements of contributions and expenditures according to the following schedule [48].

Semi-Annual Statements in Non-Election Year. Every candidate and specific purpose political committee must file two sworn statements for each year in which the candidate or the specific purpose political committee is not involved in an election. The statements are to be filed on or before July 15th of each non-election year and on or before January 15th following a non-election year. The period reported in the first statement begins on January 1st or the day of campaign treasurer designation, as applicable, and ends on June 30th, and the period reported in the second statement begins on July 1st and ends on December 31st [49].

Election Year Statements. Every opposed candidate and every specific purpose political committee must file three sworn statements relating to the election in which the person is involved. The statements are to be filed not later than the 30th day prior to the election, not later than the 7th day prior to the election, and not later than the 30th day after the election. The period reported in the first statement begins on the day of campaign treasurer designation or on the day after the end of the period covered by the last required statement, as applicable, and ends on the 40th day prior to the election. The period reported in the second statement begins on the 39th day before the election and ends on the 10th day before the election. The period reported in the third statement begins on the 9th day before the election and ends on the 25th day after the election [50].

In lieu of any third statement, whenever a candidate or specific purpose political committee is involved in a run-off election, a statement of all previously unreported contributions and expenditures through the 10th day before the election must be reported not later than the 7th day before the election. The next statement is to be filed not later than the 30th day after the run-off election and to report all contributions received and all expenditures made during a period beginning on the 9th day before the election and ending on the 25th day after the election [51].

In each election year after the last deadline for filing a statement, an additional statement must be filed unless there have been no expenditures made or contributions knowingly accepted since the last required reporting period or any contributions knowingly accepted and any expenditures made have all been reported previously. The annual statement must be filed on or before January 15th following the last filing and cover all previously unreported contributions and expenditures through and including December 31st [52].

Every unopposed candidate must file two sworn statements during the year in which an election occurs in which the unopposed candidate is involved. The statements must be filed on or before July 15th of the year in which the election occurs and on or before January 15th of the year following the election. The period reported in the first statement begins on January 1st or the day of campaign treasurer designation, as applicable, and ends on and includes June

30th. The period reported in the second statement begins on July 1st and ends on and includes December 31st [53].

3. **General Purpose Political Committees.** General purpose political committees must file sworn statements of contributions and expenditures according to one of the two following schedules [54].

Election-Related and Annual Statements. Statements must be filed (1) on January 15th of each year and include all contributions received and expenditures made during the previous calendar year that have not been reported previously; (2) not earlier than the 40th day and not later than the 30th day before the date of an election in which the committee is involved and include all contributions received and expenditures made during the period from the date on which the committee filed a designation of a campaign treasurer through the 40th day before the date of the election and that have not been reported previously; (3) not earlier than the 10th day and not later than the 7th day before the date of an election in which the committee is involved and include all contributions received and expenditures made through the 10th day before the date of the election that have not been reported previously; and (4) not earlier than the 25th day and not later than the 30th day after the date of an election in which the committee is involved and include all contributions received and expenditures made since the date covered by the last report filed. Whenever a committee is involved in a run-off election, in lieu of the statement to be filed by not later than the 30th day after the first election, the committee must file a statement on the 7th day before the date of the run-off election showing all contributions received and expenditures made since the date of the last report filed. In the event a committee becomes involved in an election after the end of any periods covered by the regular reports otherwise required, the first applicable statement is to be filed at the next regularly required deadline and its reporting period begins on the date of designation of a campaign treasurer [55].

If a committee makes a contribution to either another general purpose political committee or an out-of-state political committee and cannot determine the appropriate time to file statements, the contributing committee will comply with the reporting requirements by filing a statement with the secretary of state reporting the contribution as an expenditure no later than the next succeeding filing deadline for the January 15th annual statement [56].

Monthly Statements. In lieu of the election-related and annual statements, a general purpose political committee may elect to file monthly statements of all contributions received and all expenditures made that have not been reported previously by filing the sworn statements. A notice of intent to file monthly statements must be filed between January 1st and January 15th of the first year in which the committee intends to file monthly statements; however, a committee formed after January 15th of any particular year may, upon designation of its campaign treasurer, file at the same time a notice of intent to file monthly statements. The monthly filing remains effective until notice of intent to revert to the regular filing schedule is filed. On the first day of each calendar month, even if there has been no activity, a statement of all previously unreported contributions received and expenditures made through the 25th day of the preceding month must be filed. The monthly statement must include for the reporting period the dates and amounts and the full name and complete address of each person from whom contributions in an aggregate amount of more than $10 has been received or borrowed and the dates and amounts and the full names and complete addresses of all persons to whom any expenditures aggregating more than $10 were made and the purpose of the expenditures [57].

If a general purpose political committee wishes to revert to filing election-related and annual statements, it must file its intent to do so between January 1st and January 15th, in addition to a statement of all contributions received and expenditures made that have not been reported previously [58].

Report of Terminated Campaign Treasurers. If a campaign treasurer of a political committee is terminated, either voluntarily or by action of the political committee, he must file a sworn statement no later than the 10th day after the termination, reporting all appropriate matters for the period from the end of the period reported in the preceding statement through the day of his termination. Any subsequent statement to be filed by a successor campaign treasurer need not report those matters included in the previous campaign treasurer's termination statement [59].

E. **Post-Election Reporting If Contributions or Expenditures Are $500 or Less.** A candidate or political committee may file post-election sworn statements of contributions and expenditures in lieu of the regular reporting if the candidate or political committee does not intend to accept contributions or make expenditures exceeding $500, excluding a candidate's filing fee, in the election [60].

When designating a campaign treasurer, the candidate or political committee must file a declaration of intent not to exceed $500 in contributions or expenditures with the filing authority with whom the candidate or committee is required to file the campaign treasurer designation. A sworn statement then must be filed not later than the 30th day after election day for the reporting period beginning on the day of the campaign treasurer designation and ending on the 25th day after election day [61].

A candidate or political committee that exceeds the $500 maximum must file sworn statements of contributions and expenditures according to the regular schedule. If the maximum is exceeded after the filing deadline for the first sworn statement required to be filed, the candidate or committee must file a sworn statement not later than 48 hours after the maximum is exceeded. The reporting period covered by the statement begins on the day of the campaign treasurer designation and ends on the day the maximum is exceeded. The reporting period for the next sworn statement to be filed begins on the day following the last day of the period covered by the first sworn statement [62].

F. **Notification by a Political Committee of Contributions or Expenditures on Behalf of a Candidate.** A political committee that receives contributions or makes expenditures on behalf of a candidate must notify the candidate as to the name and address of the committee and its campaign treasurer, if one is required. The candidate then must include within each required statement a list identifying the name and address of each such political committee and its campaign treasurer, if one is required. "On behalf of" means the knowing acceptance of a contribution for a candidate or the making of an expenditure for a candidate [63].

G. Reports of Large, Late Contributions in State Senator and State Representative Elections. The information required to be reported on a statement of contributions and expenditures must be reported regarding contributions from a person that in the aggregate exceed $1,000 to an opposed candidate for state senator or a specific purpose political committee organized in support of or in opposition to any candidate for such office or $200 to an opposed candidate for state representative or a specific purpose political committee organized in support of or in opposition to any candidate for such office and that are knowingly accepted during the period beginning on the 9th day before election day and ending at noon on the 2nd day before election day. The information must be reported by telegram or delivered by hand to the secretary of state within 48 hours of acceptance [64].

H. Candidate Financial Statement. Candidates for certain elected offices, including member of the legislature and an executive or judicial office elected in a statewide election, must file a financial statement with the secretary of state. This statement must include an account of financial activity of the candidate and the candidate's spouse and dependent. The generally applicable filing date is within 30 days after the first Monday in February [65].

V. POST-ELECTION REQUIREMENTS

A. Annual Report of Unexpended Contributions. A former officeholder who has unexpended contributions after the filing of the last required sworn statement of contributions and expenditures for officeholders and an unsuccessful candidate for public office who was opposed and has unexpended contributions after the filing of the last required sworn statement or was unopposed and has unexpended contributions must file a sworn statement each year even if there is no additional activity, for as long as the person retains unexpended contributions. The annual statement must be filed between January 1st and January 15th of each year and include (1) the full name and complete address of each person to whom a payment is made from unexpended contributions and the date, amount, and purpose of the payment; (2) the total amount of unexpended contributions at the end of the year; and (3) the amount of interest earned on the contributions during the calendar year. The statement is filed with the same filing authority with whom the person was required to file sworn statements. An unsuccessful unopposed candidate is to file the statement with the filing authority with whom an opposed candidate for that office is required to file [66].

A person may retain contributions for 6 years after he is no longer an officeholder or candidate, pending any future candidacy. If the person does not become a candidate within the 6-year period, he must dispose of any unexpended contributions and report the disposition by filing a sworn statement not later than the 30th day after the end of the 6-year period. A person required to dispose of unexpended contributions must transfer the funds to (1) the political party with which the person was affiliated when his name last appeared on the ballot; (2) a candidate (including a candidate for federal office) or a political committee; (3) the general revenue fund; (4) any person from whom contributions were received; (5) a recognized tax-exempt, charitable organization formed for educational, religious, or scientific purposes; or (6) a public or private post-secondary educational institution or an institution of higher education [67].

B. Use of Unexpended Contributions by Officeholders. Lawfully accepted unexpended campaign contributions may be used by an officeholder for expenditures in connection with the office held to assist the officeholder in the performance of non-reimbursable duties or activities [68].

VI. OFFENSES AND PENALTIES

A. Criminal Penalties. Any person who knowingly makes or knowingly accepts an unlawful contribution or who knowingly makes an unlawful expenditure is guilty of a class A misdemeanor unless otherwise provided by law [69]. If a candidate or campaign treasurer of a political committee fails to file a sworn statement containing all required information, he is guilty of a class C misdemeanor, and a candidate, campaign treasurer, assistant campaign treasurer, or other person managing a political committee who swears falsely in a filed statement is guilty of perjury, a class A misdemeanor [70].

A corporation or labor organization that violates the provisions on prohibited contributions and expenditures is guilty of a felony of the third degree. An officer or director of any corporation or labor organization who consents to an unlawful gift, loan, or payment or an unlawful promise to give, lend, or pay by the corporation or labor organization is guilty of a felony of the third degree. A candidate, political committee, campaign treasurer, or assistant campaign treasurer who knowingly accepts an unlawful gift, loan, or payment from a corporation or labor organization is guilty of a felony of the third degree [71].

A campaign treasurer, candidate, or other person managing a political committee who violates the provisions requiring the giving of notice of political committees that receive contributions or make expenditures on behalf of a candidate is guilty of a class A misdemeanor [72].

B. Civil Penalties. A person who knowingly makes or knowingly accepts an unlawful campaign contribution or who knowingly makes an unlawful expenditure in support of a candidate is civilly liable to each opposing candidate whose name appeared on the ballot in the election in which the unlawful contribution or expenditure was involved for double the amount or value of the unlawful campaign contribution or expenditure and reasonable attorneys fees for collecting the amount due. A person who knowingly makes or knowingly accepts an unlawful campaign contribution or expenditure and is not expressly supporting any candidate but rather opposing a particular candidate or candidates is civilly liable to each of the opposed candidates for double the amount or value of, the unlawful campaign contribution or expenditure and reasonable attorneys fees for collecting the amount due. A person who knowingly makes or knowingly accepts an unlawful contribution or expenditure is, in addition to any other penalties, civilly liable to the state for an amount equal to triple the amount or value of the unlawful contribution or expenditure [73].

A person who unlawfully converts a contribution to his personal use is civilly liable to the state for an amount equal to the amount of the converted contribution plus reasonable court costs [74].

A candidate or campaign treasurer or assistant campaign treasurer of a political committee who fails to report any contribution or expenditure as required is liable for double the amount or value of the unreported contribution or expenditure and for reasonable attorneys' fees to each opposing candidate in the election in which the contribution should have been reported and, in addition, is civilly liable to the state for an amount equal to triple the amount or value of the unreported contribution or unreported expenditure [75].

A corporation or labor organization making or promising an unlawful gift, loan, or payment to any candidate, political committee, campaign treasurer, assistant campaign treasurer, or other person is civilly liable for double the amount or value of the loan or gift promised or made to each opponent of the candidate or political committee opposed by the gift, loan, or payment. The corporation or labor organization also is civilly liable to the state for an amount equal to triple the amount or value of the unlawful gift, loan, or payment to any candidate, political committee, campaign treasurer, or assistant campaign treasurer [76].

C. Late Filing Penalties. On making a determination that a sworn statement of contributions and expenditures required to be filed with him is late, the secretary of state must immediately mail a notice of the determination to the person responsible for filing the statement and to the appropriate attorney for the state. If a statement is determined to be late, the person responsible is civilly liable to the state for $100. The appropriate attorney for the state may not initiate suit for the penalty until the 10th day after the date the notice is mailed. If the penalty is paid before the 10th day after mailing, the secretary of state must notify the appropriate attorney for the state, and the civil suit may not be initiated [77].

D. Injunctive Relief. The district courts of the state have jurisdiction to issue injunctions to enforce the provisions of the election code upon application by any citizen of the state [78].

E. Citizen Complaints. Any citizen of the state may file with the secretary of state a sworn complaint alleging that a person has committed one or more violations of the chapter of the election code regulating political funds and campaigns. Upon receipt of a properly completed complaint, the secretary must give notice to the subject of the complaint and provide an opportunity for a written response [79].

If the accused is a candidate or the campaign treasurer of a candidate or of a political committee supporting a candidate, the secretary of state may not report any alleged violations to the prosecuting attorney or to the attorney general while the candidate is still engaged in the election campaign. After a lapse of 25 days from the date of the notice or from an election in which the accused is a candidate, if it appears that the person accused in the complaint may have failed to comply with the law, the secretary must forward to the appropriate prosecuting attorney the original complaint and the accused's response, if any, to the notice, together with certified copies of all pertinent records filed with the secretary of state, in order that appropriate action may be taken [80].

VI. REGULATORY AGENCIES

A. Secretary of State. It is the duty of the secretary of state (1) to prescribe forms for any instruments required to be filed with the secretary of state or other authority and to make the forms available to persons required to file the statements and to other officials; (2) to interpret and administer the provisions of the chapter of the election code regulating political funds and campaigns and to make such interpretations and administrative rulings available to any person upon request; (3) not later than the 5th day before each applicable deadline, to notify each person responsible for filing sworn statements with the secretary of the deadline for filing; (4) to review periodically the sworn statements filed with the secretary; and (5) to notify the person who fails to comply with the provisions regulating political funds and campaigns by certified mail of the determination of non-compliance [81].

VII. EXCLUDED PROVISIONS

A. Speaker Candidate Campaign Finance Regulations. The state also regulates campaigns by members or candidates for the state house of representatives who are candidates for election to the office of speaker of the house [82]. The requirements concerning speaker candidate campaigns are not included in this summary.

B. Financing of Political Party Primary Election Expenses. The expenses incurred by a political party in connection with a primary election are paid through a state primary fund created for the state executive committee of each political party holding a primary election and through a county primary fund created for each county executive committee of a political party holding a primary election. These funds consist of candidate filing fees, state appropriated funds, contributions for the purpose of defraying primary election expenses, and income earned by each fund and may be used only to pay political party expenses in connection with a primary election [83]. Since the primary election financing provisions do not directly affect election campaigns, they are not presented in any detail in this summary.

REFERENCES

1. Texas Codes Annotated (Vernon), Election Code (hereafter EC) § 251.001(4)
2. EC § 251.010(a), (c); see also Texas Revised Civil Statutes Annotated (Vernon) art. 1349
3. EC § 251.010(c)
4. EC § 251.011(h)
5. EC § 251.003(c)
6. EC § 251.004
7. EC § 251.007(a)
8. EC §§ 251.001(4)(B);
9. EC § 251.002(a)
10. EC § 251.001(5)(A)
11. EC § 251.002(g)
12. EC § 251.003(a), (b)

13. EC § 251.003(3)(1), (2)
14. Secretary of State, Election Law Opinion (hereafter SOS Opinion DAD-70 (1983); SOS Opinion DAD-72 (1983)
15. SOS Opinion JMF-34 (1984)
16. EC § 251.001(1)
17. EC § 251.001(15)(A)
18. EC § 251.001(16)(A)
19. EC § 251.001(17)(A)
20. EC § 251.001(6)
21. EC § 251.002(b)-(d)
22. EC § 251.002(f)(1)
23. EC § 251.002(f)(2)
24. EC § 251.002(l)
25. EC § 251.002(h)
26. EC § 251.002(e)
27. EC § 251.002(b)(2)
28. EC §§ 251.011(2); 251.003(d)
29. EC § 251.002(b)(1),(d)
30. EC § 251.003(d); Secretary of State, 1986 Political Funds Reporting and Disclosure Directive § 4.03(d) (January, 1986)
31. EC § 251.002(b)(1)
32. EC § 251.002(b)
33. EC § 251.002(c)
34. EC § 251.002(d)
35. EC § 251.002(f)(1)
36. EC §§ 31.031(e); 31.043(2)
37. EC § 251.011(e)
38. EC § 251.011(e)(1)
39. EC § 251.011(b)
40. EC § 251.011(l)(7)
41. EC § 251.011(c)(1)-(3), (f)
42. SOS Opinion JMF-22 (1983)
43. EC § 251.011(e)(1), (3)
44. EC § 251.011(g)
45. EC §§ 31.031(e); 31.043(2)
46. EC § 251.011(g)
47. EC § 251.011(l)(8)
48. EC § 251.011(l)(1)(A), (l)(4)
49. EC § 251.011(l)(4)(A)
50. EC § 251.011(l)(4)(B)(i)
51. EC § 251.011(l)(4)(B)(ii)
52. EC § 251.011(l)(4)(B)(iii)
53. EC § 251.011(l)(4)(C)
54. EC § 251.011(l)(2), (5), (6)
55. EC § 251.011(l)(5)
56. EC § 251.011(l)(9)
57. EC § 251.011(l)(6)(A), (B)
58. EC § 251.011(l)(6)(C)
59. EC § 251.011(l)(10)
60. EC § 251.013(a), (e)
61. EC § 251.013(b), (c)
62. EC § 251.013(d)
63. EC § 251.011(e)(2)
64. EC § 251.011(d)
65. Texas Revised Civil Statutes Annotated (Vernon) art. 6252-9b(2), (3)
66. EC § 251.012(a), (b)
67. EC § 251.012(d), (e); SOS Opinion JMF-30 (1984)
68. EC §§ 251.001(4)(B); 251.002(e)
69. EC § 251.009
70. EC § 251.011(j)
71. EC § 251.010(e)-(g)
72. EC § 251.011(e)(2)
73. EC § 251.008
74. EC § 251.007(d)
75. EC § 251.011(k), (l)
76. EC § 251.010(d); see also Texas Revised Civil Statutes Annotated (Vernon) art. 1351
77. EC § 251.014
78. EC § 251.018
79. EC § 251.017(a)-(c)
80. EC § 251.017(d)(1), (2)
81. EC § 251.017(g)
82. EC § 302.011 *et seq.*
83. EC § 173.001 *et seq.*

CAMPAIGN FINANCE LAW
IN UTAH

I. INTRODUCTION

Utah requires the campaign committees for state office candidates, state legislative candidates, and state and county political party committees to file periodic verified statements of contributions and expenditures. Contributions and expenditures for state office candidates must be made through the personal campaign committee of a candidate. A state election campaign fund has been established to provide public financing of political parties. A taxpayer with an income tax liability of $1 or more may designate that $1 be paid into the election campaign fund from the general fund for disbursement to the political party designated by the taxpayer. The lieutenant governor administers the Corrupt Practices in Elections Act.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is (1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business); (2) an express or implied contract, promise, or agreement, whether or not legally enforceable, to make a contribution for political purposes; (3) a transfer of funds between political or party committees and a candidate's personal campaign committee; (4) the payment by any person other than the candidate's personal campaign committee of compensation for the personal services of another person that are rendered to the candidate or the candidate's personal campaign committee without charge; however, services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or the candidate's personal campaign committee are not considered to be a contribution; (5) remuneration from any organization, or its directly affiliated organization that has a registered lobbyist, to compensate a legislator for a loss of salary or income while the legislature is in session; and (6) salaries or other remuneration from any agency or subdivision of the state, including school districts, for the period the legislature is in session [1].

A contribution or expenditure is made for "political purposes" when it is of a nature or is done with an intent or in a way as to influence or tend to influence, directly or indirectly, any voting for a candidate for public office at any political convention, primary election, or general election or is done on account of any person's having voted, having refrained from voting, or being about to vote or refrain from voting for any candidate for public office at any political convention, primary election, or general election [2].

B. Contributions for State Executive Office Candidates. No person may make any contribution, directly or indirectly, on behalf of a candidate for governor, lieutenant governor, state auditor, state treasurer, or attorney general, except for travel expenses and mailings by a state political party, other than through a personal campaign committee whose authority to act has been filed as provided by law [3].

C. Solicitation of Contributions From Candidates. No person may demand, solicit, ask for, or invite any payment or contribution for any religious, charitable, or other cause or organization supposed to be primarily or principally for the public good from a person who seeks to be or has been nominated to any office, and no candidate may make any such payment or contribution if it is demanded or asked for during the time he is a candidate for nomination or election to any office [4].

D. Contribution as a Condition Precedent to Political Participation. No payment or contribution for any purpose may be made a condition precedent to the putting of a name on any caucus or convention ballot or on a nomination paper or petition or to the performance of any duty imposed by law on a political committee [5].

E. Solicitation of Contributions From Executive Branch Employees. No person may solicit political contributions from employees of the executive branch during the hours of employment for political purposes [6].

F. Contributions by Alcoholic Beverage Control Act Licensees. No manufacturing and beer wholesaling licensees under the Alcoholic Beverage Control Act may make any contribution, directly or indirectly, to any candidate for political office or to any political party; however, this prohibition does not prevent any licensee, licensee's agent, or officer of a corporation from contributing to his own personal campaign for public office [7].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is (1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or state bank made in accordance with the applicable banking laws or regulations and in the ordinary course of business) made for the purpose of influencing the nomination for election or election of any candidate; (2) an express or implied contract, promise, or agreement, whether or not legally enforceable, to make any expenditure; and (3) a transfer of funds between political or party committees and a candidate's personal campaign committee [8].

B. Candidate and Committee Secretary Responsibilities. It is the responsibility of the candidate or the secretary of the candidate's personal campaign committee to receive contributions and to assure that any and all expenditures made directly or indirectly for political purposes on behalf of the candidate are made through and with the approval of the personal campaign committee [9]. The secretary of the personal campaign or party committee is also responsible for maintaining correctly all records, receipts, and expenditures on behalf of the candidate. The candidate or the personal campaign committee must maintain a separate bank account for campaign receipts and expenditures [10].

C. Prohibition of Unlawful Expenditures. No candidate, candidate's personal campaign committee, or party committee may make any political expenditures prohibited by law [11].

D. Expenditures for a State Executive Office Candidate. No person may make any expenditures, directly or indirectly, for political purposes for a candidate for governor, lieutenant governor, state auditor, state treasurer, or attorney general, except for travel expenses and mailings by a state political party, other than through a personal campaign committee whose authority to act has been filed as provided by law [12].

E. Expenditures Over $1,000 by a Personal Campaign Committee Member. A member of a personal campaign committee may not make an expenditure in excess of $1,000 unless the expenditure is authorized in writing [13].

F. Rate for Services, Goods, Materials, and Things of Value. Any person accepting expenditures must render services and furnish goods, materials, or things of value at a rate that does not exceed the charges made for comparable use to any other person considering the amount of use, frequency of use, and applicable discounts [14].

G. Paid Newspaper Advertisements. An owner, publisher, editor, reporter, agent, or employee of a newspaper or other periodical may not, directly or indirectly, solicit, receive, or accept any payment, promise, or compensation and no person may pay, promise to pay, or in any manner compensate an owner, publisher, editor, reporter, agent, or employee of a newspaper or other periodical, directly or indirectly, for influencing or attempting to influence by means of any printed matter in the publication any voting at any election or primary through any means whatsoever, except through the matter inserted in the newspaper or periodical as a "paid advertisement" and so designated as provided by law. The compensation for inserting any paid advertisement may not exceed the regular rate charged by the newspaper or periodical for such service [15].

H. Influence on Newspaper Editorial Position. No person may pay the owner, editor, pubisher, or agent of any newspaper or other periodical to induce him to advocate or oppose editorially any candidate for nomination or election, and no owner, editor, publisher, or agent may accept such payment [16].

IV. REPORTING REQUIREMENTS

A. Verified Financial Statements

1. General Provisions. Verified financial statements are required to be filed with the lieutenant governor during an election year by (1) the secretary of the personal campaign committee of every candidate for the office of governor, lieutenant governor, state auditor, state treasurer, or attorney general; (2) a candidate for the state senate or house of representatives; and (3) the secretary of every state or county political party committee [17].

A "candidate" for the purposes of the Corrupt Practices in Elections Act and its reporting requirements is a person who has filed a declaration of candidacy for governor, lieutenant governor, state auditor, state treasurer, attorney general, state senator, or state representative or who has received contributions, made expenditures, or has given consent for any other person to receive contributions or make expenditures with a view to bringing about the nomination or election of the candidate to one of the state executive or state legislative offices [18].

A financial statement must give in full detail the following information:

(1) Every sum of money, all property, and every other thing of value received by a candidate or candidate's personal campaign committee, a state or county political party committee, or any person from any source whatsoever that the candidate or candidate's personal campaign committee, state or county political party committee, or other person uses, has used, or is at liberty to use for political purposes; the name and address of every person or source from which money, property, or value was received; the date each was received; and the total amount received from all sources in any amounts or manner whatsoever.

(2) Every listed contribution, promise, or pledge of money, property, or other thing of value received by a candidate or candidate's personal campaign committee, state or county political party committee, or any person the proceeds of which have been or may be used for political purposes; the name of the persons who promised or pledged money, property, or value; the date the money, property, or value was promised or pledged; and the total amount promised or pledged from all sources in any amounts whatsoever.

(3) Every expenditure by a candidate or candidate's personal campaign committee, state or county political party committee, or person for political purposes; the name of every person to whom the disbursement was made; the specific purpose for which each was made; the date when each was made; and the total amount of expenditures made in any amounts or manner whatsoever.

(4) Every contract, express or implied, to make any expenditure incurred by a candidate's personal campaign committee, political party committee, or person for political purposes; the names of the persons to or with whom the obligation was incurred; the date when the obligation was incurred; and the total amount of obligations made in any amounts or manner whatsoever.

Contributions, promises, or other things of value received by a candidate, a candidate's personal campaign committee, or a state or county political party committee that have a value of $50 or less from any person need not be reported individually, but may be listed on the financial statement as an aggregate total [19].

All information included on a financial statement must have backup documents available for review if necessary. All information and documentation must be retained in the possession of the candidate or committee secretary for a period of three years. The backup documents should include bank statements, deposit slips, canceled checks, invoices or receipts for all expenditures, and receipts for cash contributions. The copying of contribution checks is not necessary [20].

Verification of a financial statement means the committee secretary or candidate confirms the completeness and accuracy of the information contained in the statement as evidenced by the signature of the verification statement form provided by the lieutenant governor [21].

A candidate or party committee secretary may file a verified financial statement earlier than the filing deadline for the sake of convenience but not to avoid any of the requirements under the Corrupt Practices in Elections Act and implementing regulations [22].

The estimated value of volunteer services need not be included in any statement. If a candidate wishes to use contributions received from a previous campaign, he must list them as a contribution from the former campaign committee to the new campaign committee. A campaign committee exists for one election only [23].

2. State Executive Office Candidates. The secretary of the personal campaign committee of every candidate for the office of governor, lieutenant governor, state auditor, state treasurer, or attorney general must file with the lieutenant governor a verified financial statement on the 10th day of July, October, and December of the year in which a general election is held and on the 5th day preceding the date on which a general election is held [24].

The statement must accurately reflect all expenditures and contributions and any express or implied contracts to make an expenditure or receive money or anything of value for political purposes and must cover all expenditures and contributions not accounted for and reported in the previously filed statements. The statement must contain a summary of the preceding statements, summarize the items previously reported under the provisions of the Corrupt Practices in Elections Act, and state the amount expended for communications media during the reporting period. The statement must contain all expenditures and contributions as of 5 days prior to date of filing [25].

A certification by the secretary of the committee certifying that all contributions and all expenditures have been reported and that there are no bills or obligations outstanding and unpaid except as set forth in the statement must be included in the December statement [26].

If a candidate receives contributions after the December 10th filing, he must report those in the July 10th filing of the next general election year. If the contributions are used to pay off debt of the previous election, they must be filed under the previous campaign committee. If the contributions are to be used for future elections, they must be reported under a personal campaign committee filed for the future election [27].

3. State Legislative Office Candidates. A candidate for the state senate or house of representatives must file with the lieutenant governor not later than 30 days after the date of a general or special election a verified financial statement that accurately reflects all contributions, including a list of each donor and amount contributed and expenditures made for a political purpose during the campaign period. Candidates for the state senate or house of representatives who are eliminated at a primary election must file a verified financial statement not later than 30 days after the primary election [28]. A candidate who chooses to withdraw must file a verified financial statement no later than 30 days after the date of withdrawal [29].

4. State or County Political Party Committees. The secretary of a state or county political party committee is required to file a verified financial statement with the lieutenant governor. The filing deadlines and other requirements are the same as those that apply to a personal campaign committee of a state executive office candidate, except for the requirements concerning the disposition of contributions received after December 10th [30]. A state or county political party committee must report in the July 10th general-election-year report all expenditures made and contributions received after the December 10th filing of the previous election [31].

5. Political Action Committees. The secretary, officers, or agents of a political action committee that is not the personal campaign committee of any candidate for governor, secretary of state, or attorney general or is not a state or county political party are not required to file a verified financial statement with the lieutenant governor and are not subject to prosecution for failure to do so [32].

B. Statement of Appointment of Personal Campaign Committee of State Executive Office Candidate. A candidate for governor, lieutentant governor, state auditor, state treasurer, or attorney general must select no more than one personal campaign committee consisting of one or more persons. The candidate individually may constitute the committee. If the personal campaign committee consists of only one person, that person is deemed to be the secretary. If the candidate acts individually as the campaign committee, he is deemed to be the secretary of the committee [33].

Before the personal campaign committee may make any expenditure for political purposes on behalf of the candidate or incur any express or implied obligation to make an expenditure in the candidate's behalf, the candidate or committee must file with the lieutenant governor a written statement signed by the committee's secretary setting forth that the candidate's personal campaign committee has been appointed or elected and giving the name and address of each member and the secretary of the committee [34]. Subsequent written redesignations of the personal campaign committee must be signed by the candidate or the secretary and submitted to the lieutenant governor [35].

A candidate may revoke the selection of any member of the campaign committee by a revocation in writing, which with proof of personal service on the member whose selection is revoked must be filed with the lieutenant governor. The candidate may fill the vacancy thus created in the manner in which an original appointment is made [36]. A committee member may voluntarily withdraw from the committee upon filing a written notice with the lieutenant governor [37].

V. PUBLIC FINANCING PROVISIONS

A. Establishment of an Election Campaign Fund. A trust fund to be known as the "election campaign fund" has been established by law in the state trust and agency fund to provide financial support to political parties in the state [38].

The election campaign fund consists of revenue generated from the imposition of sales and use taxes that is transferred from the general fund. One dollar is transferred from the general fund to the election campaign fund for each $1 campaign contribution designation for any political party made on an individual income tax return by an individual (other than a non-resident alien) whose income tax liability (less any credit allowed) for any taxable year is $1 or more [39].

B. Designation of Political Party Recipients. The income tax return form prepared by the state tax commission must include a provision for a campaign contribution designation for any political party that has qualified as such in the first 6 months of the calendar year for which the return form is prepared. The qualified political parties must be placed on the return form in alphabetical order. Any individual who chooses to make any such designation must so indicate by placing a check mark opposite the name of the political party on the return form, which will also contain a box in which the taxpayer can indicate that no contribution is to be made to any political party. A designation may be made with respect to any taxable year at the time of filing the income tax return for that taxable year [40].

C. Disbursements to Designated Political Parties. On or before 4 months after the due date of the income tax returns as to which designations of payment to the election campaign fund have been made, the state treasurer must make disbursements from the fund as follows:

(1) One-half of that portion of the amounts deposited in the fund since the last disbursement designated for any given political party are disbursed to the state central committee of the political party.

(2) The balance of this portion (the remaining one-half) is distributed to the respective county central committees of the political party in the direct relationship that the number of taxpayers who designated that amounts be paid into the fund for that party residing in any county bears to the total number of such taxpayers who made designations for that party in the state [41].

Each state central committee and county central committee that receives disbursements from the election campaign fund must establish a separate account for the disbursements. Payments from any of these accounts may only be made upon explicit authorization as to each payment from a duly convened meeting of the applicable central committee. The duty of authorization is not delegable. Any person who makes payments without the required authorization is guilty of a misdemeanor, and any person has standing to enjoin any such violation [42].

VII. TAX PROVISIONS

A. Taxpayer Designation of Campaign Contribution. Every individual (other than a non-resident alien) whose income tax liability (less any credit allowed) for any taxable year is $1 or more may designate that $1 be paid into the election campaign fund to provide financial support for the political party designated by the taxpayer. The state tax commission must cause $1 to be transferred from the general fund from revenue generated from the imposition of sales and use taxes to the election campaign fund for each political party campaign contribution designation made on an individual income tax return [43].

VII. OFFENSES AND PENALTIES

A. Criminal Penalties. A person who violates the Corrupt Practices in Elections Act is guilty of a misdemeanor [44]. A person who aids, abets, or advises a violation of the Act is guilty of a misdemeanor [45]. A person who violates the Act must be punished by a fine of not more than $299, imprisoned for not more than 6 months, or both. Each violation of the Act is deemed to be a separate offense. If a person violates the Act, the violation is that of the person who directed the violation [46].

B. Action by the Lieutenant Governor. Within five days after the filing of a financial statement, the lieutenant governor must inspect all financial statements relating to campaign contributions, receipts, promises, pledges, expenditures, and contracts. If it appears that any candidate, candidate's personal campaign committee, political party committee, person, or group of persons has failed to file a statement as required by law, that a statement filed does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, the lieutenant governor must notify in writing the delinquent candidate, committee, or person to comply with the filing requirements [47].

Upon the failure of a personal campaign committee of a candidate for governor, lieutenant governor, state auditor, state treasurer, or attorney general or any political party committee to file a statement within 5 days after receiving notice from the lieutenant governor to comply or if in the reasonable exercise of his discretion the lieutenant governor questions the accuracy or completeness of a financial statement, the lieutenant governor must examine all books and records of the appropriate personal campaign committee, party committee, or person. The books and records must be furnished within two days of the receipt of the request by the lieutenant governor [48].

Upon the failure of a candidate, candidate's personal campaign committee, political party committee, or person to file a statement within 5 days after receiving notice to comply from the lieutenant governor or if any statement filed discloses any violation of any provision of the Corrupt Practices in Elections Act, the filing officer must notify the county attorney of a county whose registered voters are eligible to vote in the campaign to which the campaign receipts, promises, pledges, disbursements, and obligations are devoted and furnish him copies of all papers relating to the violation [49].

C. Action by the County Attorney. Upon the complaint of the lieutenant governor or any other person, the county attorney must examine the case within 20 days. If the evidence is sufficient, he must institute a civil or criminal proceeding in the name of the state [50].

D. Action by a Voter. If the filing officer or county attorney refuses to take the actions required in the event of a failure to comply with the filing requirements of the Corrupt Practices in Elections Act, any registered voter may institute appropriate proceedings for an extraordinary writ [51].

If any elector of the state has within his possession information that any provision of the Corrupt Practices in Elections Act has been violated by any candidate for whom the elector had the right to vote or by any personal campaign committee of such candidate or any member thereof, he may apply by verified petition to a district judge of the district in which the violation occurred, to the attorney general, or to the governor for leave to bring a special proceeding to investigate and determine whether or not there has been a violation of the Act and for appointment of special counsel to conduct the proceeding on behalf of the state. If it appears from the petition or otherwise that the Act has been violated and that sufficient evidence is obtainable to show that there is probably cause to believe that such proceeding may be successfully maintained, then the judge, the attorney general, or governor must grant leave to bring the proceeding and must appoint special counsel to conduct the proceeding [52].

If leave is granted and counsel appointed, the elector may bring a special proceeding in the district court in the name of the state upon the relation of the elector to investigate and determine whether or not the candidate or committee or member thereof has violated any provision of the Act [53].

If the court finds that the candidate whose right to office is being investigated or that the candidate's personal campaign committee or member thereof has violated any provision of the Corrupt Practices in Elections Act in the conduct of the campaign for nomination or election, the court must take the following action:

(1) If the candidate is other than a candidate for member of the state legislature, judgment must be entered declaring void the election of the candidate to that office and ousting and excluding the candidate from office [54].

(2) If the candidate was a candidate for member of either house of the state legislature, the court, without final adjudication, must certify its findings to the lieutenant governor, to be transmitted by him to the presiding officer of the legislative body as a member of which the person is a candidate [55].

This voter remedy does not limit the effect of or prevent the operation of other remedies existing in such cases [56].

E. Election-Related Remedies. The name of a candidate chosen at a nominating convention, primary election, or otherwise may not be printed on the official ballot for the ensuing election unless the candidate's statement of contributions and expenditures has been filed [57].

A person convicted of a violation of the Corrupt Practices in Elections Act may not be permitted to take or hold the office to which he was elected, if any, or to receive the emoluments of the office [58].

The oath of office may not be administered to and a certificate of nomination or election may not be issued to any candidate for the office of governor, lieutenant governor, state auditor, state treasurer, or attorney general until the candidate's personal campaign committee has filed the required statement. A person may not enter upon the duties of his office until his personal campaign committee has filed the required statement, and he is prohibited from receiving any salary or fees for the period prior to the filing of the statement [59].

If a person in a criminal action is found guilty of any violation of the Corrupt Practices in Elections Act, the court must take the following action after entering a finding of guilt:

(1) If the violation was committed while the person was a candidate for governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court must enter a supplemental judgment declaring that person to have forfeited the office.

(2) If the violation was committed while the person was a member of the personal campaign committee of a candidate for governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court must enter a supplemental judgment declaring the candidate to have forfeited the office.

(3) If the violation was committed while the person was a candidate for state senator or state representative, the court must transmit a certificate setting forth the finding of guilt to the presiding officer of the legislative body as a member of which the officer was a candidate when the violation occurred [60].

VIII. REGULATORY AGENCIES

A. Lieutenant Governor. The lieutenant governor is the designated officer for administering the requirements of the Corrupt Practices in Elections Act relating to the filing of financial statements and the appointment of candidate personal campaign committees [61]. The state auditor is required to promulgate appropriate regulations and develop procedures and forms to carry out the purposes of the Act [62].

REFERENCES

1. Utah Code Annotated (hereafter UCA) § 20-14-1(4)
2. UCA § 20-14-1(1)
3. UCA § 20-14-2
4. UCA § 20-14-35
5. UCA § 20-14-35
6. UCA §§ 67-19-19(1)(b); 67-19-29
7. UCA § 32A-12-38
8. UCA § 20-14-1(5)
9. Administrative Rules of the State of Utah (hereafter AR) § A09-01-1(2)
10. AR § A09-01-1(3)
11. UCA § 20-14-6
12. UCA § 20-14-2
13. UCA § 20-14-5
14. UCA § 20-14-5
15. UCA § 20-14-27
16. UCA § 20-14-24
17. UCA § 20-14-7(1)-(3)
18. UCA § 20-14-1(2)
19. UCA § 20-14-8
20. AR § A09-01-1
21. AR § A09-01-1
22. AR § A09-01-1
23. AR § A09-01-1
24. UCA § 20-14-7(1); AR § A09-01-1
25. UCA § 20-14-7(1); AR § A09-01-1
26. UCA § 20-14-7(1); AR § A09-01-1
27. AR § A09-01-1
28. UCA § 20-14-7(2)
29. AR § A09-01-1
30. UCA § 20-14-7(3)
31. AR § A09-01-1
32. Greenwood v. Hansen, No. C-80-8761 (3rd.Jud.Dist. Utah, December 30, 1980)
33. UCA § 20-14-3
34. UCA § 20-14-3
35. AR § A09-01-1(2)
36. UCA § 20-14-3
37. AR § A09-01-1(a)
38. UCA § 59-14A-100(1), (2)
39. UCA §§ 59-14A-99(1); 59-14A-100(1)
40. UCA § 59-14A-99(2)
41. UCA § 59-14A-100(2)

42. UCA § 59-14A-100(3)
43. UCA §§ 59-14A-99(1); 59-14A-100 (1),(2)
44. UCA § 20-14-47
45. UCA § 20-14-38
46. UCA § 20-14-19
47. UCA § 20-14-11
48. UCA § 20-14-12(2)
49. UCA § 20-14-12(1)
50. UCA § 20-14-12(1)
51. UCA § 20-14-12(3)
52. UCA § 20-14-40
53. UCA § 20-14-40
54. UCA § 20-14-42(1)
55. UCA § 20-14-42(2)
56. UCA § 20-14-40
57. UCA § 20-14-13
58. UCA § 20-14-47
59. UCA § 20-14-4
60. UCA § 20-14-45
61. UCA § 20-14-3; 20-14-7
62. UCA §§ 67-1a-2(3); 20-14-7(4)

CAMPAIGN FINANCE LAW
IN VERMONT

I. INTRODUCTION

Vermont requires state executive office candidates, state legislative, county, and local office candidates, political parties, and political committees with calendar year contributions or expenditures of $500 or more to file pre- and post-election campaign finance reports. A candidate or political committee may not receive for an election more than $1,000 from anyone other than a political party or political committee nor more than $5,000 from a political committee; however, contributions to a candidate's campaign by the candidate himself, his immediate family, and a political party are not limited. The secretary of state is responsible for the administration of the state campaign finance law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is a payment, distribution, advance, deposit, loan, gift of money, or anything of value paid or promised to be paid to a candidate or political committee for the purpose of influencing an election or supporting or opposing one or more candidates in any election, but does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party or a personal loan to a candidate or political committee from a lending institution [1].

B. Contributions to a Candidate or Political Committee. A candidate or political committee may not accept contributions totalling more than $1,000 from a single source for any election or totalling more than $5,000 from a political committee for any election. The contribution restrictions do not limit the amount a candidate or his immediate family may contribute to his own campaign [2]. A "single source" is an individual, partnership, corporation, association, labor organization, or any other organization or group of persons that is not a political committee or political party [3]. "Election" refers to each separate primary and general election [4].

C. Solicitation by Government Employees. Government employees may not solicit political contributions [5].

D. Payment by Check. All contributions in excess of $50 must be made by check [6].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is a payment, disbursement, distribution, advance, deposit, loan, gift of money, or anything of value paid or promised to be paid by a candidate, political committee, political party, or any person, committee, or group authorized by a candidate, political committee, or political party to make an expenditure for the purpose of influencing an election or supporting or opposing one or more candidates [7].

B. Candidate and Political Committee Expenditures. All expenditures by a candidate who has made expenditures or received contributions of $500 or more or a political committee must be paid by check from a single checking account maintained by the designated treasurer in a single bank publicly designated by the candidate or political committee [8].

B. Investment of Contributions. According to the secretary of state, the campaign finance law is not specific on where contributions should be held and for that reason the practice of investing campaign contributions in short-term notes is permissible so long as expenditures are always made from the designated checking account of the candidate, political committee, or political party [9].

IV. REPORTING REQUIREMENTS

A. Appointment of Treasurer and Designation of Single Bank. Each candidate who has made expenditures or received contributions of $500 or more and each political committee is required to name a treasurer, who may be the candidate or the candidate's spouse. A candidate or political committee is also required to publicly designate a single bank from which all expenditures must be paid by check from a single account. The designated treasurer is responsible for maintaining the checking account [10]. The secretary of state has determined that these requirements are also applicable to political parties and that the treasurer appointment and bank designation by a candidate, political committee, or political party should be made and filed with the officer with whom campaign finance reports are required to be filed before the first check is written on the new account [11].

A. Campaign Finance Reports

1. General Provisions. A candidate for state executive office, a candidate for senator or representative in the general assembly or for county or local office who has made expenditures or accepted contributions of $500 or more, a political party, and a political committee that has received contributions or made expenditures in a calendar year of more than $500 are required to file campaign finance reports with the appropriate filing officer [12]. The failure of a legislative, county, or local candidate to file a campaign finance report is deemed an affirmative statement that the candidate has not accepted contributions or made expenditures of $500 or more [13].

A "candidate" is an individual who has taken affirmative action to become a candidate for state, legislative, county, or local office in a primary, special, general, or local election by accepting contributions or making expenditures totalling $500 or more, by filing the requisite petition for nomination or being nominated by primary caucus, or by announcing that he seeks an elected position as a state, county, or local officer or a position as representative or senator in the general assembly [14].

A "political committee" is any formal or informal committee of two or more individuals, not including a political party, that receives contributions or makes expenditures of more than $500 in any one calendar year for the purpose of supporting or opposing one or more candidates or affecting the outcome of an election [15]. According to the secretary of state, this definition means that special-interest political committees receiving contributions or making expenditures to promote a particular point of view are within the scope of the campaign finance law, whether or not individual candidacies are promoted [16].

A "political party" is a political party or any committee established, financed, maintained, or controlled by the party, including any subsidiary, branch, or local unit [17].

A campaign finance report must include the (1) name and address of each contributor of more than $50 and the amount contributed; (2) the total amount of all contributions of $50 or less and the total number of all such contributions; (3) each expenditure listed by amount, date, to whom paid, and for what purpose; (4) the amount contributed or loaned by the candidate to his own campaign; and (5) each debt or other obligation listed by amount, date incurred, to whom owed, and for what purpose. All contributions and expenditures received or spent during the reporting period and not previously reported must be reported. The manner in which any indebtedness is discharged or forgiven must be fully disclosed. The truth of the statements and places in the campaign finance report must be certified, and the report must be signed by the candidate and the candidate's treasurer in the case of a candidate report [18].

Campaign finance reporting may be cut off two days before the filing deadline. The two-day period is to be included on the next report [19].

A candidate, political party, or political committee required to file campaign finance reports terminates its campaign activities by filing a final report with the appropriate filing officer. The final report is to list a complete accounting of all contributions and expenditures and the disposition of any surplus or deficit. This report may be filed at any time and when filed eliminates the need for filing any subsequent campaign finance reports that otherwise would be required. According to the secretary of state, a candidate may continue a campaign fund account with a balance for use in a subsequent election campaign rather than closing out the campaign fund and submitting a final report [20].

2. **Candidate for State Executive Office.** A candidate for state executive office must file a campaign finance report with the secretary of state 40 days before the primary election, 10 days before the primary election, 40 days before the general election, 10 days before the general election, and 10 days following the general election [21].

3. **Candidate for State Legislative or County Office.** A candidate for representative or senator in the general assembly and a candidate for county office who has made expenditures or accepted contributions of $500 or more must file a campaign finance report with the officer with whom his nomination papers are filed 10 days before the primary election, 10 days before the general election, and within 30 days after the general election [22].

4. **Candidate for Local Office.** A candidate for local office who has made expenditures or accepted contributions of $500 or more must file a campaign finance report with the officer with whom his nomination papers are filed 10 days before and 10 days after the local election [23].

5. **Political Committee and Political Party.** A political committee and a political party must file campaign finance reports with the secretary of state [24]. A formal or informal committee of two or more individuals does not become a "political committee" required to file campaign finance reports until it receives contributions or makes expenditures of more than $500 in any one calendar year [25]. According to the secretary of state, a political party is not required to file campaign finance reports if it has not accepted contributions or made expenditures relating to campaign finance during the year [26].

The report must be filed 40 days before the primary election, 10 days before the primary election, 40 days before the general election, 10 days before the general election, and 10 days following the general election [27].

A political committee or political party may satisfy the campaign finance report filing requirements by filing with the secretary of state a copy of that portion of a campaign finance report applicable to candidates seeking election in the state that the committee or party has filed with the federal election commission and by designating an in-state agent in the report [28].

V. POST-ELECTION REQUIREMENTS

A. **Supplemental Reports.** Each state executive office, state legislative office, and county office candidate, political party, and political committee required to file campaign finance reports is also required to file with the appropriate filing officer a supplemental report on July 15th after the general election and annually thereafter or until all contributions and expenditures have been accounted for and any indebtedness and surplus funds have been eliminated [29]. According to the secretary of state, a candidate who has filed campaign finance reports for earlier election years and has continuing campaign fund balances may choose either (1) to close out his former campaign funds by contributing the existing surplus or assigning existing debts or deficits to a new campaign fund for the coming election and then filing a final report on the earlier campaign or (2) to continue his campaign fund accounts and report periodically as required [30].

B. **Disposition of Surplus Funds.** A member of a political committee that has surplus funds after all campaign debts have been paid is prohibited from converting the surplus to personal use. A candidate who has surplus funds after all campaign debts have been paid may not convert the surplus to personal use, other than to reduce personal campaign debts. The "final report" of a candidate must indicate the amount of the surplus and how it has been or will be liquidated [31].

VI. OFFENSES AND PENALTIES

1. **Criminal Penalty for Violation.** A person who knowingly and intentionally violates a provision of the campaign finance law must be fined not more than $1,000, imprisoned not more than six months, or both [32].

2. **Denial of Certificate of Nomination or Election.** A certificate of nomination or election cannot be granted to a candidate until the candidate or his treasurer has filed timely the required campaign finance reports [33].

3. **Additional Appropriate Action.** In addition to the other penalties provided, a state's attorney or the attorney general may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of the campaign finance law [34].

VII. REGULATORY AGENCIES

A. **Secretary of State.** The secretary of state is the designated officer with whom campaign finance reports are required to be filed by candidates for state executive office, political committees, and political parties [35]. The secretary of state is required to prescribe and provide a uniform reporting form for all campaign finance reports [36].

REFERENCES

1. Vermont Statutes Annotated (hereafter VSA) tit. 17, § 2801(2)
2. VSA tit. 17, § 2805(a), (b), (d)
3. VSA tit. 17, § 2801(6)
4. Secretary of State, Vermont Campaign Finance Guide for the 1984 Primary and General Elections 5 (1984) (hereafter Campaign Finance Guide); *see also* VSA tit. 17, § 2103(15), (25)
5. Rules for Personnel Administration, Rule 3.02
6. VSA tit. 17, § 2805(c)
7. VSA tit. 17, § 2801(3)
8. VSA tit. 17, § 2802
9. Campaign Finance Guide 6
10. VSA tit. 17, § 2802; *see also* VSA tit. 17, § 2314
11. Campaign Finance Guide 6
12. VSA tit. 17, §§ 2103(33); 2811; 2821; 2822; 2831
13. VSA tit. 17, § 2823
14. VSA tit. 17, § 2801(1)
15. VSA tit. 17, § 2801(4)
16. Campaign Finance Guide 1-2
17. VSA tit. 17, § 2801(5)
18. VSA tit. 17, § 2803(a)-(c)
19. Campaign Finance Guide 3
20. VSA tit. 17, §§ 2804(c); 2811(b); 2821(b); 2831(c); Campaign Finance Guide 3
21. VSA tit. 17, § 2811(a)
22. VSA tit. 17, § 2821(a), (b); this section requires a "final report" to be filed within 30 days after a general election, but the secretary of state has construed the section to require a regular campaign finance report 30 days after a general election and to permit a "final report" at any time as provided in §§ 2811(b) and 2831(c) (see Campaign Finance Guide 2, Form BA-11)
23. VSA tit. 17, § 2822
24. VSA tit. 17, § 2831
25. VSA tit. 17, § 2801(4)
26. Campaign Finance Guide 2, 8
27. VSA tit. 17, § 2831(a)
28. VSA tit. 17, § 2832
29. VSA tit. 17, §§ 2811(a); 2821(a); 2831(b); Campaign Finance Guide 3
30. Campaign Finance Guide 3
31. VSA tit. 17, § 2804
32. VSA tit. 17, § 2806(b)
33. VSA tit. 17, § 2806(a)
34. VSA tit. 17, § 2806(c)
35. VSA tit. 17, §§ 2811; 2831
36. VSA tit. 17, § 2803(a)

CAMPAIGN FINANCE LAW
IN VIRGINIA

I. INTRODUCTION

Virginia requires candidates and political committees, but not political party committees, to file periodic reports of contributions and expenditures; however, a political action committee is not required to report unless it expends over $500 for a statewide election or over $100 for any other election. Large contributions received by a candidate and large contributions given to or large expenditures made by a political committee between the 11th day before an election and election day are required to be reported within 72 hours of receipt. A corporation, labor organization, membership organization, and cooperative are permitted to establish and administer a political action committee for political purposes. Individual taxpayers eligible for an income tax refund may designate $2 ($2 each in the case of a husband wife filing a joint return) of the refund to be paid to a political party. The state board of elections is responsible for administering the Fair Elections Practices Act.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Deposit of Contributions by a Candidate or Candidate's Campaign Committee. All funds and monetary contributions received by a candidate or his campaign committee, as soon as practicable after receipt, must be deposited by the treasurer in the designated campaign depository in an account properly identifying the name of and the existence of the political candidacy [1].

B. Delivery or Reporting of Contributions and Expenditures to a Candidate's Campaign Treasurer. All moneys, services, or other things of value over $100 collected, received, or disbursed by or on behalf of a candidate or in relation to his candidacy from every source must be paid over or delivered to the candidate's treasurer or reported to the candidate's treasurer in such detail and form as to allow the treasurer to comply fully with the Fair Elections Practices Act. Anyone, including a candidate or a political party committee, collecting, receiving, disbursing, or expending money, services, or other things of value over $100 in relation to a candidacy is required to report every such collection, receipt, disbursement, or expenditure. A reasonable value must be designated for services or things of value, and the basis for arriving at the designated value must be stated. "Services" are not deemed to include personal services voluntarily rendered for which no compensation is asked or given [2].

C. Maintenance of Accounts of Contributions and Expenditures by a Candidate or Candidate's Campaign Treasurer. A candidate or his treasurer is required to keep detailed, full, and accurate accounts of (1) all contributions, money, services, or valuable things over $100 in value, received, promised, loaned, borrowed, or reported and (2) all expenditures, disbursements, and promises of payment or disbursement of money or valuable things over $100 in value made by or reported to the candidate or his treasurer. The statement and account must set forth (1) the sum or valuable thing; (2) the date when and the name and address of the person from whom received, promised, loaned, borrowed, or reported or to whom paid or promised; and (3) the object and purposes for which the money or other valuable thing was received, disbursed, or promised. The books and records may be destroyed or discarded at any time after one year from the date of filing of the final report of contributions and expenditures unless a court of competent jurisdiction orders their retention for a longer period [3].

D. Solicitation and Expenditure of Contributions by a Political Action Committee. A stock or nonstock corporation, labor organization, membership organization, or cooperative may establish a political action committee and administer it for political purposes. A "political action committee" is any organization, other than a candidate's campaign committee or political party committee, that has been established or is maintained to receive and expend contributions for political purposes and is subject to the provisions of the Fair Elections Practices Act applicable to a "committee" [4].

A stock or nonstock corporation, labor organization, membership organization, or cooperative is authorized to solicit and expend contributions for a political action committee, subject to the following limitations:

(1) A political action committee is prohibited from making a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal, or threat of force or as a condition of employment.

(2) A person soliciting a contribution to a political action committee is required at the time of the solicitation to inform the person being solicited of his right to refuse to contribute without any reprisal and the political purposes of the political action committee [5].

III. EXPENDITURE LIMITATIONS

A. Candidate Expenditures by Check. A candidate, campaign treasurer, or other individual is permitted to pay any expense on behalf of a candidate, directly or indirectly, only by check from the designated depository; however, a treasurer may establish a petty cash fund to be utilized for the purpose of making expenditures of less than $25 if complete records of such expenditures are maintained [6].

IV. REPORTING REQUIREMENTS

A. Campaign Finance Reports

1. General Provisions. A report of contributions and expenditures associated with a primary, general, or special election or a nominating convention, mass meeting, or other method to nominate a political party candidate to public office must be filed periodically with the appropriate filing officer by a candidate or committee, other than a candidate's campaign committee and a political party committee; however, the reporting requirements and other provisions of the Fair Elections Practices Act do not apply to an election for members of Congress, an election for any town office in a town with a population of less than 25,000, or an election for directors of soil and water conservation districts or political party committees [7]. For the purpose of filing reports of contributions and expenditures, each nominating method other than a primary, each primary election, and each general election is treated separately [8].

The report must include all contributions (or receipts) and expenditures (or disbursments) and set forth in the following information:

(1) The reporting of receipts must include (a) the total number of contributors who have contributed $100 or less in the aggregate as of the date of the report and the total amount of contributions from such contributors; (b) for each contributor who has contributed more than $100 in the aggregate as of the date of the report--the name of the contributor listed alphabetically, the address of the contributor, the amount of the contribution listed in the schedule of receipts, the aggregate amount of contributions from the contributor to date, and the date of the last contribution; and (c) for each contributor who has contributed more than $250 in the aggregate, in addition to the information required for a contributor of more than $100 in the aggregate--the occupation and principal place of business of the contributor.

(2) The reporting of disbursements must include all expenditures and give the name and address of the person paid, a brief description of the purpose of the expenditure, the name of the person contracting for or arranging for the expenditure, the amount of the expenditure, and the date of the expenditure [9].

2. Candidate or Candidate's Treasurer. A candidate for nomination or election to office or his designated treasurer must submit reports of contributions and expenditures [10].

A "candidate is any person who seeks or campaigns for any office of the state or of any of its governmental units in a primary, general, or special election by the people and includes a person who seeks the nomination of a political party or who by reason of receiving the nomination of a political party for election to any such office is referred to as a "nominee" [11].

The schedule of receipts in a candidate's report must also list separately those receipts reported to the candidate or his treasurer by any committee and political party committee and set forth in each instance the source of the information reported [12]. The schedule of disbursements must also list separately those expenditures reported to the candidate or his treasurer by any committee and political party committee and set forth in each instance the source of the information reported [13].

It is the responsibility of the candidate and treasurer jointly to file the reports of a candidate in full and accurate detail. The reports of contributions and expenditures must be filed by a candidate or his designated treasurer with the appropriate filing officer as follows: (1) a candidate for nomination or election to statewide office--with the state board of elections; (2) any candidate for nomination or election to a constitutional office shared by two or more counties and cities or for the general assembly--with the electoral board of the locality where the candidate resides and the state board of elections; and (3) any candidate for local office--with the electoral board of the locality where the candidate resides [14].

Reports of contributions and expenditures must be submitted by all candidates according to the following schedule:

(1) A report pertaining to a candidate seeking election by any means other than a primary election must be filed not later than the 8th day before the convention, mass meeting, or other metthod of nominating a candidate and be complete as of the 11th day before the nominating method; however, this requirement does not apply to a nomination for a special election held less than 25 days from the issuance of the writ of election [15]. A person who did not seek the nomination of a political party but subsequently becomes its nominee must file only the report due 30 days after the nominating convention, mass meeting, or other method of nominating candidates and must file all other reports required of a candidate in an election [16].

(2) A report pertaining to a primary, general, or special election must be filed not later than the 8th day before the election and be complete as of the 11th day before the election [17].

(3) A report must be filed no later than the 30th day after a nomination or election and be complete through the 25th day after the nomination or election or prior to taking office, whichever occurs first [18].

Additional pre-nomination and pre-election reports pertaining to elections for statewide office and the general assembly also must be filed:

(1) Beginning with the first year in which any contribution is accepted or expenditure is made, an annual report of contributions received and expenditures made during the calendar year must be filed for each calendar year by the following January 15th; however, a transfer of funds from a candidate's own prior campaign is not considered to be a contribution [19].

(2) A report of contributions and expenditures must be filed for any candidate for nomination for or election to an office at the time he declares as a candidate for nomination or election and must disclose any previously unreported contributions or expenditures [20].

(3) A report pertaining to a statewide office, but not the general assembly, must be filed not later than the 30th day before an election is held and be complete as of the 35th day before the election [21].

3. Political Action Committee or Other Committee. A committee must maintain records and report all receipts and expenditures of moneys, services, or other things of value over $100 if it (1) expends any funds in excess of $500 for a statewide election or $100 for any one other election for the purpose of influencing the outcome of the election; (2) publishes or broadcasts to the public any material referring to a candidate (by name, description, or other reference) that advocates the election or defeat of the candidate, sets forth the candidate's position on any public issue, his voting record, or other official acts, or is otherwise designed to influence individuals to cast their votes for or against the candidate or to withhold their votes from the candidate; or (3) publishes or broadcasts to the public any material for the purpose of promoting or opposing any referendum, proposition, constitutional amendment, or other question submitted to the voters. A reasonable value must be designated for services or things of value, and the basis for arriving at the designated value must be stated. "Services" are not deemed to include personal services voluntarily rendered for which no compensation is asked or given [22]. A report of contributions and expenditures by a committee is filed with the state board of elections [23].

Committees must file reports of contributions and expenditures according to the following schedule:

(1) January 15th for activity of the preceding calendar year not previously reported (annual report).

(2) Eight days before the first Tuesday in March. The report must be complete as of the 11th day before the designated Tuesday for the entire period not covered by the last preceding filed report.

(3) Eight days before the first Tuesday in May. The report must be complete as of the 11th day before the designated Tuesday for the entire period not covered by the last preceding filed report.

(4) Eight days before the second Tuesday in June. This report must be complete as of the 11th day before the designated Tuesday for the entire period not covered by the last preceding filed report.

(5) Eight days before the Tuesday after the first Monday in November. The report must be completed as of the 11th day before the designated Tuesday for the entire period not covered by last preceding file report.

(6) No later than the 30th day after the November general election. The report must be complete through the 25th day after the general election [24].

The first report filed by a committee must be complete for the entire period from the time the committee was organized [25].

A "committee" that is required to report contributions and expenditures includes each person, association, organization, group of individuals, political action committee, or other committee that anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $100, but does not include a candidate's campaign committee or a political party committee [26].

4. Political Party Committee. A political party committee is exempted from the requirement to file reports of contributions and expenditures, but contributions made by a political party committee to any candidate, a candidate campaign committee, or a "committee" must be reported by the candidate, candidate campaign committee, or committee [27].

5. Candidate for Congress. A candidate for Congress must file with the state board of elections certified copies of all reports of campaign contributions required by the laws of the United States [28].

B. Report of a Large Contribution or Expenditure

1. Candidate. Any contribution of more than $1,000 for a statewide office or more than $500 for any other office knowingly received or reported by the candidate or his treasurer on behalf of his candidacy between the 11th day preceding any nominating method or election in which the individual is a candidate and the nomination or election day must be reported in writing within 72 hours to the appropriate filing office; however, any such contribution received within the 72 hours prior to the nomination or election is required to be reported and a report of the contribution received by the appropriate filing office no later than the day prior to the nomination or election. The appropriate filing office for this report is the state board of elections in the case of a candidate for statewide office, a constitutional office shared by two or more counties and cities, or the general assembly. The filing office in the case of a candidate for local office is the electoral board of the locality where the candidate resides [29].

2. Committee. Any contribution given to or expenditure made by a committee of more than $1,000 in connection with an election for statewide office or more than $500 in connection with any election for any other office that is given or made after the 11th day before the first Tuesday in March and May, after the 11th day before the second Tuesday in June, and after the 11th day before the Tuesday following the first Monday in November must be reported in writing to the state board of elections within the 72 hours; however, any such contribution given or made within 72 hours prior to a designated Tuesday must be reported to and the report received by the state board of elections no later than the Monday immediately preceding the designated Tuesday [30].

C. Statement of Appointment of a Candidate's Campaign Treasurer and Designation of a Campaign Committee. Upon or before the acceptance of any contribution or the expenditure of any funds for his candidacy or upon or before qualifying as a candidate, whichever occurs first, a candidate for nomination for or election to any office is required to appoint one campaign treasurer and may designate one campaign committee to receive all contributions, to make all expenditures for or on behalf of the candidate in connection with his nomination or election, and to file the required reports. The candidate must provide the name and address of the campaign treasurer and the name of the campaign committee, if any, with the appropriate filing office as follows: (1) a candidate for local office--with the electoral board of the county or city in which he resides; (2) a candidate for a constitutional office shared by two or more counties and cities or for the general assembly--with the electoral board of the county or city in which he resides and with the state board of elections; and (3) a candidate for statewide office--with the state board of elections. A candidate who fails to appoint and report the appointment of a treasurer is deemed to have appointed himself treasurer and must comply as such with the provisions of the Fair Elections Practices Act [31].

The appointed campaign treasurer, who is required to be a qualified voter of the state, must accept the appointment in writing. No individual may act as treasurer unless the required statement of appointment has been filed. The same person may serve as campaign treasurer for more than one candidate [32].

In the event of the death, resignation, removal, or change of the treasurer, the candidate must designate a successor and file the name and address of the successor within 10 days of the change with the appropriate filing office. A candidate who fails to appoint and record the appointment of a successor treasurer is deemed to have appointed himself treasurer [33].

D. Designation of Candidate's Campaign Depository. A candidate is required to designate a campaign depository in a financial institution within the state [34].

E. Committee Statement of Organization. A committee must file with the state board of elections a statement of organization within 10 days after its organization or, if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of $100. A "committee" required to file a statement of organization includes each person, association, organization, group of individuals, political action committee, or other committee that anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $100, but does not include a candidate's campaign committee or a political party committee [35].

The statement of organization is to include (1) the name and address of the committee; (2) the names, addresses, and relationships of affiliated or connected organizations; (3) the area, scope, or jurisdiction of the committee; (4) the name, address, and position of the custodian of books and accounts; (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any; (6) the name, address, office sought, and party affiliation of each candidate whom the committee is supporting or opposing for nomination or election to any public office; however, if the committee is supporting the entire ticket of any party, only the name of the party must be provided; (7) a statement whether the committee is a continuing one; (8) the disposition of residual funds that will be made in the event of a dissolution; (9) a listing of all banks, safety-deposit boxes, or other repositories used; and (10) such other information as may be required by the state board of elections [36]. Any change in information previously submitted in a statement of organization must be reported to the secretary of the state board of elections within a 10-day period following the change [37].

If after having filed one or more statements of organization, a committee disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $100, it must so notify the secretary of the state board of elections [38].

V. PUBLIC FINANCING PROVISIONS

A. Political Party Funding. The state central committee of each political party that meets the definition of a "political party" is eligible to receive the money designated by individual taxpayers eligible to receive an income tax refund to be paid to the party. All money designated for payment to a political party is deposited into the state treasury, and by June 30th of each year the state tax commissioner is required to determine the total amount designated for each political party for that year. After deducting the direct costs of administration in equal amounts from each party's share, the state tax commissioner must report to the state treasurer the amount to be paid to each party, and the state treasurer is then required to pay the amount to the appropriate party [39].

VI. TAX PROVISIONS

A. Taxpayer Designation. An individual eligible to receive a tax refund may designate at the time of filing his income tax return that $2 of the refund be paid to the state central committee of a political party that meets the definition of a "political party" as of July 1st of the previous taxable year. In the case of a joint return of husband and wife, each spouse may designate that $2 be paid [40].

VII. POST-ELECTION REQUIREMENTS

A. Supplemental Reports

1. Candidate. A candidate or his designated treasurer is required to file supplemental post-election reports of contributions and expenditures as follows:

(1) If any funds remain unexpended or any unpaid bills, loans, deficits, or other financial obligations remain to be paid at the time the report of contributions and expenditures due on the 30th day after a nomination or election or prior to the taking of office is filed or if any funds have been received after that date, a report must be filed 60 days after the nomination or election [41].

(2) If any funds remain unexpended or any unpaid bills, loans, deficits, or other financial obligations remain to be paid at the time the report due on the 60th day after a nomination or election is filed or if any funds have been received after that date, a report must be filed 6 months after the nomination or election [42].

(3) If any funds remain unexpended or any unpaid bills, loans, deficits, or other financial obligations remain to be paid at the time the report due 6 months after a nomination or election is filed or if any funds have been received after that date, a report must be submitted one year after the nomination or election and annually thereafter until a final report is filed [43].

(4) When all debts have been retired and residual funds disposed of, a final report must be filed setting forth all receipts and disbursements not previously reported, an accounting of the retirement of all debts, and the disposition of all residual funds. The final report must include a termination statement signed by the candidate stating that all reporting for the nomination or election is complete and final [44].

2. Committee. The campaign finance reporting requirements for a committee continue in effect until the filing of a final report that sets forth (1) all receipts and disbursements not previously reported, (2) an accounting of the retirement of all debts, and (3) the disposition of all residual funds. The final report must include a termination statement, which is to be signed by an officer of the committee, stating that all reporting is final and complete [45].

B. Transfer of Surplus Funds. After the filing of a final report of contributions and expenditures, surplus funds may be transferred following any nominating method for use in the election and following any election for use in a campaign for a succeeding election [46].

VIII. OFFENSES AND PENALTIES

A. Criminal Penalties. A person who willfully violates or aids, abets, or participates in the violation of the Fair Elections Practices Act is guilty of a class 4 misdemeanor [47]. The late filing of a required report of contributions and expenditures constitutes a violation of the Act [48].

B. Withholding of Certificate of Election. A person is not permitted to qualify for any office, enter upon the duties of an office, or receive any salary or emoluments from an office until he has filed the required reports of contributions and expenditures. An officer authorized to issue certificates of election may not issue a certificate of election to any person claiming to be elected to any office until copies of the required reports have been made and filed under oath with the officer [49].

IX. REGULATORY AGENCIES

A. State Board of Elections. The state board of elections is the designated filing office for reports, statements, and designations required to be filed under the Fair Elections Practices Act by candidates for statewide office, the general assembly, or a constitutional office shared by two or more counties and cities and by committees [50].

The state board of elections is required to report to the appropriate attorney for the commonwealth any willful violation of the requirements for submitting reports of contributions and expenditures relating to an election for governor, lieutenant governor, attorney general, or member of the general assembly [51].

The state board of elections is responsible for summarizing the provisions of the election laws relating to campaign contributions and expenditures and providing for the distribution of the summary and prescribed forms to all candidates for nomination for or election to office at the time each candidate files either (1) a statement of appointment of a campaign treasurer or (2) for nomination or election. The board must designate the form of the report of expenditures and contributions, which is to be the only form used in complying with the Fair Elections Practices Act [52].

B. Local Electoral Boards. A city or county electoral board, as appropriate, is the designated filing office for reports, statements and designations required under the Fair Elections Practices Act to be filed by local office candidates. The electoral board of the locality where a candidate resides is a designated filing office, along with the state board of elections, for reports, statements, and designations (except large contribution reports) by candidates for a constitutional office shared by two or counties and cities [53].

The electoral board of a county or city is required to report any willful violation of the requirements for submitting reports of contributions and expenditures relating to an election for a designated city, county, district, or local office to the attorney for the commonwealth for the county or city in which the election occurs [54].

REFERENCES

1. Code of Virginia (hereafter CV) § 24.1-254
2. CV § 24.1-255
3. CV § 24.1-256
4. CV § 24.1-254.2
5. CV § 24.1-254.2
6. CV § 24.1-254
7. CV §§ 24.1-1(5); 24.1-251; 24.1-254.1(a); 24.1-255; 24.1-257
8. 8. CV § 24.1-257(C)
9. CV § 24.1-250
10. CV § 24.1-257(A)
11. CV § 24.1-1(2)
12. CV § 24.1-250(1)
13. CV § 24.1-250(2)
14. CV § 24.1-257(A), (B)
15. CV §§ 24.1-257(A)(1)(a); 24.1-163
16. CV § 24.1-257(E)
17. CV § 24.1-257(A)(1)(c)
18. CV § 24.1-257(A)(2)
19. CV § 24.1-257(A)(1.1)(a)
20. CV § 24.1-257(A)(1.1(b)
21. CV § 24.1-257(A)(1)(b)
22. CV § 24.1-253
23. CV § 24.1-257(A)
24. CV § 241.1-257.1; State Board of Elections, Summary--Fair Elections Practices Act 8 (January 1, 1985)
25. CV § 24.1-257.1
26. CV § 24.1-254.1(a)
27. CV § 24.1-255
28. CV § 24.1-251
29. CV § 24.1-257(A), (A)(1)(d)
30. CV § 24.1-257.1
31. CV § 24.1-253(a)
32. CV § 24.1-253(a)
33. CV § 24.1-253(a)
34. CV § 24.1-254
35. CV § 24.1-254.1(a)
36. CV § 24.1-254.1(b)
37. CV § 24.1-254.1(c)
38. CV § 24.1-254.1(d)
39. CV § 58.1-346
40. CV § 58.1-346
41. CV § 24.1-257(A)(3)
42. CV § 24.1-257(A)(4)
43. CV § 24.1-257(A)(5)
44. CV § 24.1-257(A)(6)
45. CV § 24.1-257.1
46. CV § 24.1-257(C)
47. CV § 24.1-262
48. CV § 24.1-257(D)
49. CV § 24.1-260
50. CV §§ 24.1-253(a); 24.1-254; 24.1-254.1(b);24.1-257(a); 24.1-257.1
51. CV § 24.1-263
52. CV § 24.1-252
53. CV §§ 24.1-253(a); 24.1-254; 24.1-257(A)
54. CV § 24.1-263

CAMPAIGN FINANCE LAW
IN WASHINGTON

I. INTRODUCTION

Washington requires unexempted candidates and political committees to file periodic reports of contributions and expenditures. Abbreviated campaign reporting may be used by candidates and political committees in an election campaign in which neither the aggregate contributions nor aggregated expenditures exceed $2,000 and no single contributor (other than the candidate) contributes more than $200. A candidate and political committee supporting the candidate may be exempted from full or abbreviated reporting if total aggregate expenditures, less the filing fee, will not exceed $200. Special reports must be filed for contributions received before an election, contributions of over $500 received from a single contributor, contributions of over $500 made by a political committee, investments of campaign depository funds, and fund-raising activities (in lieu of the special pre-election contributions report). Independent campaign expenditure reports are required when independent expenditures by a person during an election campaign reach $100. No individual or public or private entity or organization may make and no candidate or political committee may accept from a single contributor aggregate contributions of over $5,000 within 21 days of a general election. The public disclosure commission is responsible for the enforcement of the Public Disclosure Law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration. The furnishing of services, property, or rights on a discriminatory basis or at less than their fair market value for the purpose of assisting any candidate or political committee is a contribution. A contribution other than money or its equivalent is deemed to have a money value equivalent to its fair market value. The sum paid for tickets to fund-raising events such as dinners and parties is a contribution; however, only the excess over actual cost of consumables furnished is a contribution [1].

The term "consideration" does not include interest on moneys deposited in a political committee's account, ordinary home hospitality, and the rendering of part-time personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers that are not in excess of $25 and are personally paid for by the worker. "Part-time" services are services in addition to regular full-time employment or, in the case of an unemployed person, services not in excess of 20 hours per week, including weekends [2].

B. Contributions and Expenditures by Actual, Identified Sources. No contribution may be made and expenditure incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment [3].

C. Disposition of Accumulated Unidentified Contributions. Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer, that total in excess of 1% of the total accumulated contributions received in the current calendar year or $300, whichever is more, may not be deposited, used, or expended, but must be returned to the donor if his identity can be ascertained. If the donor cannot be ascertained, the contribution escheats to the state and must be paid to the state treasurer for deposit in the state general fund [4].

D. Personal Use of Contributions by a Candidate. Contributions received and reported in accordance with the campaign financing requirements may be transferred to the personal account of a candidate, campaign treasurer, or other individual or expended for such individual's personal use only for (1) reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee; (2) reimbursement for direct out-of-pocket election campaign and post-election campaign-related expenses made by the individual; (3) and repayment of loans made by the individual to political committees. To receive reimbursement from his political committee for out-of-pocket expenses, the individual must provide the committee with written documentation as to the amount, date, and description of each expense, and the committee must include a copy of this information when its expenditure for the reimbursement is reported [5].

E. Use of Public Office Facilities in Campaigns. No elective official, employee of his office, or person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include but are not limited to the use of stationery, postage, machines, equipment, employees during working hours, vehicles, office space, agency publications, and clientele lists of persons served by the office or agency, but do not include activities that are part of the normal and regular conduct of the office or agency [6].

F. Large Contributions Before a General Election. No person may make and no candidate or political committee may accept from any one person contributions reportable under the Political Disclosure Law in the aggregate exceeding $5,000 within 21 days of a general election [7].

G. Contributions in Currency. A contribution of more than $50 in currency may not be accepted unless a receipt signed by the contributor and by the candidate, campaign treasurer, or deputy campaign treasurer is prepared and made a part of the campaign's or political committee's financial records [8].

H. Payroll Deduction for State Employee Contributions. An official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized upon written request of the officer or employee to deduct from his salary or wages the amount for voluntary deductions for political committees duly registered with the public disclosure commission or the federal election commission if 25 or more officers or employees of a single agency or a total of 100 or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee [9].

I. Solicitation for or Payment of Compulsory Assessments or **Involuntary Contributions.** Solicitation for or payment to any partisan political organization or for any partisan political purpose of any compulsory assessment or involuntary contribution is prohibited; however, the officers of an employee association may solicit dues or contributions from members of their association [10].

J. Solicitation of Contributions on State or Political Subdivision Property. No person may solicit on state property or property of a political subdivision any contribution to be used for partisan political purposes [11].

I. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. An "expenditure" is a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value and a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment of, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate or assisting in furthering or opposing any election campaign, but does not include the partial or complete repayment by a candidate or political committee of the principal of a loan whose receipt has been properly reported or payment of service charges against a political committee's campaign account [12].

B. Encouragement of an Expenditure to Avoid a Direct Contribution. If a candidate or a political committee advises, counsels, or otherwise knowingly encourages any person for the purpose of avoiding a direct contribution or for any other reason to make an expenditure that if made by the candidate or committee must be reported, the person making the expenditure is considered an agent of the candidate or committee encouraging the expenditure and the expenditure is considered to be an expenditure of the candidate or committee [13].

C. Expenditures by an Agent or Employee of a Candidate or Political Committee. An expenditure made on behalf of a candidate or political committee by any person, agency, firm, or organization employed or retained for the purpose of organizing, directing, managing, or assisting the candidate's or committee's efforts is deemed to be an expenditure by the candidate or committee and must be reported by the candidate or committee as if made or incurred by the candidate or committee directly [14].

D. Expenditures to Communicate Ratings and Endorsements. Any person making a measurable expenditure of funds to communicate a rating, evaluation, endorsement, or recommendation for or against a candidate or ballot proposition, other than news, feature, or editorial comment in a regularly scheduled issue of a printed periodical, must report the expenditure, including all costs of preparation and distribution, in accordance with the campaign financing law. A candidate or sponsor of a ballot proposition or political committee that is the subject of the rating, evaluation, endorsement, or recommendation is not required to report the expenditure as a contribution unless the candidate, sponsor, or committee or its agent advises, counsels, or otherwise encourages the person or committee to make the expenditure [15].

E. Expenditures in Currency. No expenditure of more than $50 may be made in currency unless a receipt signed by the recipient and the candidate or campaign treasurer is prepared and made a part of the campaign's or political committee's records [16].

IV. REPORTING REQUIREMENTS

A. Persons Required to Report. The provisions of the Public Disclosure Act relating to the financing of election campaigns, but not to the reporting of financial affairs, apply in all election campaigns other than for precinct committeeman, for a federal elective office, and for an office of a political subdivision that does not encompass a whole county and that contains fewer than 5,000 registered voters as of the date of the most recent general election in the political subdivision. Any person exempted from reporting may at his option file the otherwise required statements and reports [17].

The exemption for political subdivisions with fewer than 5,000 registered voters does not apply in any jurisdiction (1) from which a "petition for disclosure" containing the valid signatures of 15% of the registered voters as of the date of the most recent general election in the jurisdiction is filed with the public disclosure commission or (2) that by ordinance, resolution, or other official action has petitioned the commission to void the exemption and has sent a copy of the action to the commission. Upon receipt of a valid, timely filed petition, the commission must issue an order voiding the exemption for that jurisdiction and order every candidate, political committee, or person making independent expenditures in the jurisdiction to comply with the campaign finance reporting provisions of the Public Disclosure Act. The order applies to all elections in the jurisdiction for two years after its issuance [18].

The reporting provisions of the Public Disclosure Act also do not apply to (1) candidates, elected officials, and agencies in jurisdictions with less than 1,000 registered voters as of the date of the most recent general election in the jurisdiction, (2) political committees formed to support or oppose ballot propositions in such jurisdictions, and (3) persons making independent expenditures in support of or opposition to ballot propositions in such jurisdictions; however, a person exempted from reporting may at his option file the statements and reports. This exemption does not apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of 5% of the registered voters is filed with the public disclosure commission or (2) that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to the jurisdiction and has sent a copy of the action to the commission. Upon receipt of a valid voters' petition or approval of an official action, the commission is required to order every incumbent election official and candidate in the jurisdiction to file the required statements and reports within 30 days of the date of the order [19].

B. Political Committee Statement of Organization. Within two weeks after its organization or within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, a political committee must file a statement of organization with the public disclosure commission and with the county auditor or elections officer of the county in which the candidate resides or, in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides [20].

A "political committee" is any person, except a candidate or an individual dealing with his own funds or property, having the expectation of receiving contributions or making expenditures in support of or in opposition to any candidate or ballot proposition [21].

A "person" is an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee of a party, or any other organization or group of persons however organized [22].

A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particlar election campaign; however, this does prohibit (1) in addition to a candidate's having his own political committee, the candidate's participation in a political committee established to support a slate of individuals that includes the candidate or (2) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates [23].

The statement of organization is to include but is not limited to (1) the name and address of the committee; (2) the names and addresses of all related or affiliated committees or other persons and the nature of the relationship or affiliation; (3) the names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and titles of its responsible leaders; (4) the name and address of its campaign treasurer and campaign depository; (5) a statement whether the committee is a continuing one; (6) the name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing and, if the committee is supporting the entire ticket of any party, the name of the party; (7) the ballot proposition concerned, if any, and whether the committee is in favor of or opposed to the proposition; (8) what distribution of surplus funds will be made in the event of dissolution; (9) the street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports of contributions and expenditures filed; and (10) such other information as the commission may prescribe by regulation. Any material change in the information previously submitted in a statement of organization must be reported to the commission and to the appropriate county elections officer within the 10 days following the change [24].

C. Designation of Campaign Treasurer and Campaign Depository. Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, must designate and file with the public disclosure commission and the appropriate county elections officer the names and addresses of one legally competent individual, who may be the candidate, to serve as a campaign treasurer and a bank, mutual savings bank, savings and loan association, or credit union doing business in the state to serve as campaign depository, as well as the name of the accounts maintained in the depository. A campaign treasurer, deputy campaign treasurer, or campaign depository is not in compliance with the Public Disclosure Law until the names and addresses are filed with the public disclosure commission and the appropriate county elections officer [25].

A "candidate" is any individual who seeks election to public office. An individual is deemed to seek election when he first receives contributions, makes expenditures, or reserves space or facilities with intent to promote his candidacy for office or announces publicly or files for office. An individual is presumed to be a candidate if a political committee promoting the election of the individual for public office with the knowledge of the individual exists or he has publicly declared his candidacy, even if the candidacy is conditioned on a future occurrence [26].

A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository. In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer, or depository, the candidate or political committee is required to designate and file with the commission and the appropriate county elections officer the name and address of any successor [28].

All monetary contributions received by a candidate or political committee are to be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account established and designated for that purpose within 5 business days of receipt. Political committees that support or oppose more than one candidate or ballot proposition or exist for more than one purpose may maintain multiple separate bank accounts within the same designated depository for each purpose, but each account must bear the same name followed by an appropriate designation that accurately identifies its separate purpose. Transfers of funds that must be reported on a report of contributions and expenditures may not be made from more than one of the accounts [29].

No expenditures may be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all expenditures must be maintained by the campaign treasurer [30]. The campaign treasurer or candidate must also maintain books of account accurately reflecting all contributions and expenditures on a current basis within 5 business days of receipt or expenditure; however, during the 8 days immediately preceding the date of an election, the books of account must be kept current within one business day. The campaign treasurer or candidate must preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than 5 calendar years following the year during which the transaction occurred [31].

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D. Reports of Contributions and Expenditures.

1. Full Reporting by a Candidates or Political Committees. A candidate or political committee that does not qualify and elect to be exempted from the requirements of regular, full reporting must submit reports of contributions and expenditures according to the following schedule [32].

(1) Initial Report. On the day the campaign treasurer is designated, each candidate or political committee must file a report of all contributions received and expenditures made prior to that date, if any, with the public disclosure commission and the county auditor or elections officer of the county in which the candidate resides or, in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides, in addition to any required statement of organization [33].

(2) Pre- and Post-Election Reports. Each campaign treasurer must file subsequent reports of contributions and expenditures with the commission and the county auditor or elections officer of the county in which the candidate resides or, in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign maintains its office or headquarters (or if there is no office or headquarters then in the county in which the campaign treasurer resides) on the 21st day and the 7th day immediately preceding the date of the election and within 21 days after the date of the election [34].

(3) Monthly Reports. Each campaign treasurer must file a report on the 10th day of each month in which no other reports are required if a contribution has been received or an expenditure made in the preceding calendar month and either the total contributions received or total expenditures made since the last report exceed $200 [35].

(4) Final Report. When there is no outstanding debt or obligation, the campaign fund is closed, the campaign is concluded in all respects, and, in the case of a political committee, the committee has ceased to function and has dissolved, the campaign treasurer must file a final report. Upon submitting a final report, the duties of the campaign treasurer cease and there is no obligation to make further reports [36].

Each report of contributions and expenditures must disclose the following information for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure and ending not more than 5 days prior to the date the report is due:

(1) The funds on hand at the beginning of the period.

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of the contributions and the aggregate value of all contributions received from each such person during the campaign or, in the case of a continuing political committee, the current calendar year; however, income that results from the conducting of a fund-raising activity that has been reported previously may be reported as one lump sum, with the exception of that portion of the income that was received from persons whose names and addresses are required to be included in an alternative report of fund-raising activities. Contributions of less than $25 in the aggregate from any one person during the campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor.

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly, or contingently and the date and amount of each such loan, promissory note, or security instrument.

(4) The name and address of each political committee from which the reporting committee or candidate received or to which that committee or candidate made any transfer of funds, together with the amounts, dates, and purpose of all such transfers. Information regarding contributions made from the campaign depository of one candidate to the campaign of another candidate and contributions received by a candidate or for the campaign of the candidate from the campaign depository of another candidate is to be contained in a separate category of the report bearing the title "Transfer of Funds."

(5) All other contributions not otherwise listed or exempted.

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of $50 or more and the amount, date, and purpose of each such expenditure.

(7) The total sum of expenditures.

(8) The surplus or deficit of contributions over expenditures.

(9) The disposition made of any surplus funds.

(10) Other information as required by the public disclosure commission by regulation.

(11) Funds received from a political committee not domiciled in the state and not otherwise required to report [37].

All reports of contributions and expenditures must be certified as correct by the candidate and campaign treasurer [38].

2. Special Requirements for Continuing Political Committees. A continuing political committee, which is a political committee that is an organization of continuing existence not established in anticipation of any particular election, is required to file and report on the same conditions and at the same times as any other political committee and must meet the following additional reporting requirement. A continuing political committee must file a report on the 10th day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure if either the total contributions received or total expenditures made since the last report exceed $200. This activities report is to be filed with the public disclosure commission and the auditor or elections officer of the county in which the committee maintains its office or headquarters or, if there is no office or headquarters, in the county in which the committee treasurer resides [39].

This report must include (1) the information required in a report of contributions and expenditures to be filed by a candidate or political committee; (2) each expenditure made to retire previously accumulated debts of the committee and identified by recipient, amount, and date of payment; and (3) such other information as the commission may prescribe by rule. All reports must be certified as correct by the campaign treasurer [40].

If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within 60 days prior to the date on which the candidate or ballot proposition will be voted upon, the committee must file the reports of contributions and expenditures required of every political committee until 21 days after the election [41].

A continuing political committee that is not organized to support or oppose a particular candidate must submit required reports of total contributions and expenditures based on a calendar year or upon the basis of a fiscal year if the commission expressly authorizes this method. The report filed by such a continuing political committee covering January or the first month thereafter for which a report of contributions and expenditures would otherwise be required must contain in summary the following items remaining at the end of the year: (1) funds on hand, (2) in-kind contributions retained, (3) the total of outstanding pledges, (4) unpaid loans and outstanding obligations, and (5) pledges given to others but not yet paid [42].

Each candidate, political committee, and continuing political committee organized to support or oppose a particular candidacy or ballot proposition must report total contributions and expenditures for the period beginning at the time the person becomes a candidate or when the committee is organized, whichever is earlier, and ending when the candidacy or committee is terminated [43].

A continuing political committee must file required reports until it is dissolved, at which time a final report must be filed. Upon submitting a final report, the duties of the campaign treasurer cease and there is no obligation to make any further reports [44].

3. Abbreviated Campaign Reporting. A candidate or political committee may elect to observe abbreviated campaign reporting rather than regular, full campaign reporting in any election campaign for public office in which neither the aggregate contributions nor the aggregate expenditures on behalf of the candidate exceed $2,000 and no contribution from any source other than the candidate's personal resources within the aggregate of contributions exceeds $200 [45]. A political committee may elect to observe abbreviated campaign reporting in connection with any ballot proposition in which neither the aggregate contributions nor the aggregate expenditures exceed $2,000 and no contribution from any person within the aggregate contributions exceeds $200 [46]. The terms "any source" and "any person" do not include a fund-raising activity, and candidates and committees using abbreviated reporting are not limited to receiving $200 from a fund-raising event if the profit realized from any person does not exceed $200 from all fund-raising events conducted during a campaign or calendar year [47].

The reporting exemptions allowed for abbreviated campaign reporting may be granted to a candidate or political committee if the following conditions are met:

(1) Within 14 days of the time of organization, receipt of contributions or making of expenditures, or reservation of space or facilities with intent to promote or oppose a candidacy for office or a ballot proposition, whichever comes first, the candidate or political committee must file a registration statement (Form C-1) with the public disclosure commission and the county elections office. The statement must declare that the candidate or political committee will not exceed the $2,000 aggregate expenditure limitation.

(2) The candidate or political committee throughout the ensuing campaign must keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required in the event that the filing of full reports becomes necessary as a result of exceeding the expenditure limitation, pursuant to subsequent permission of the commission.

(3) During the 8 days immediately preceding the date of the election, the candidate or political committee treasurer must maintain records of contributions and expenditures current within one business day [48].

The registration statement (Form C-1) must be filed by any candidate or political committee intending to use the abbreviated reporting system at the time of becoming a candidate or within 10 days of organization of a committee. In the case of a continuing political committee, the registration statement must be filed initially before accepting any contributions or making any expenditures; thereafter, the registration statement must be filed each year between January 1st and January 31st for any year in which the committee intends to use the abbreviated reporting system and within 10 days of the date a change is made in reportable information [49].

The report of contributions and expenditures (Form C-4) summary page must be filed by each candidate and political committee within 21 days after each special or general election in which there was participation. In the case of a candidate or committee that participates in a primary election but does not participate in the following general election, the report is to be filed not later than 21 days following the general election. Additionally, in the case of a continuing political committee, the report must be filed not later than January 31st summarizing the total contributions received and expenditures made during the calendar year. The original of each report must be filed with the public disclosure commission and a copy with the auditor of the county in which the candidate or committee treasurer resides [50].

Whenever there is reason to believe that any of the aggregate limitations on contributions or expenditures will or may be exceeded, the candidate, committee or other person legally interested in the campaign may apply to the public disclosure commission for authorization to exceed the limitation. If the application is made more than 30 days prior to the date of the election, the application is considered approved without further action by the commission if the person making application submits within one day of the time that the limitations are exceeded (1) a properly completed registration statement (Form C-1) indicating the intention of using the full reporting system, (2) a properly completed report of contributions and expenditures (Form C-4) with schedules A and B disclosing all contributions and expenditures reportable for the election campaign or, in the case of a continuing political committee, for the calendar year, and (3) a statement affirming that all known candidates for the office being sought have been notified personally of the application and stating the manner and date of the notification or, in the case of a ballot proposition, that the committee treasurer of all committees identifiable from the records of the county auditor or commission to be opposing or supporting the proposition have been notified personally of the application and stating the manner and date of the notification. If the application is made within 30 days of the date of the election, the application may be approved only by express order of the commission chairman or his designated representative [51].

4. **Mini-Campaign Reporting.** A candidate or political committee whose principal purpose is the support of one candidate and whose organization is known to and countenanced by that candidate may elect to use mini-campaign reporting rather than full campaign reporting in any election campaign for public office in which the aggregate expenditures in the campaign will not exceed the amount of the filing fee plus a sum not to exceed $200. Any candidate or candidate's committee must register and file the registration statement (Form C-1) with the public disclosure commission and county elections officer of the county where the candidate resides within 14 days of the time he publicly announces his candidacy, files for office, or the committee is formed, whichever is earliest. The registration statement must state the intent to use the mini-campaign reporting system and include a statement by the candidate that no contributions from any source other than the candidate's personal resources within the aggregate contributions received exceeds $100 [52].

Whenever there is reason to believe that the candidate or candidate's committee will exceed the limitations on contributions and expenditures, the candidate, candidate's committee, or other person legally interested in the campaign may apply to the commission for authorization to exceed the limits. The application is to take the form of a new registration statement (Form C-1) indicating the candidate's or candidate committee's intent to report under the abbreviated reporting system or to report fully and must be accompanied by a statement signed by the candidate affirming that all known candidates for the office being sought have been notified personally of the application and stating the manner and date of notification. The application must be submitted to the commission and duplicate copies of the registration statement (Form C-1) and report of contributions and expenditures (Form C-4) submitted to the county elections officer of the county where the candidate resides within one day of the time that the expenditure limits are exceeded. The application will be approved without further commission action [53].

E. **Pre-Election Report of Contributions.** For the period beginning the 1st day of the 4th month preceding the date of a special or general election and ending on the date of the election, a campaign treasurer must file with the public disclosure commission and the appropriate county elections officer a report of each contribution received during that period at the time the contribution is deposited. The report must contain the name of each person contributing the funds deposited, except for a contribution of less than $25 from any one person, and the amount contributed by each person [54].

F. **Report of Large Contributions.** A campaign treasurer must prepare and deliver to the public disclosure commission a special report regarding any contribution exceeding $500 from a single person or entity that is received before a primary or general election and after the period covered by the last report required to be filed before that primary election or within 21 days preceding that general election. A political committee making a contribution that exceeds $500 also must prepare and deliver to the commission the special report if the contribution is made before a primary or general election and after the period covered by the last report required to be filed before that primary election or within 21 days preceding that general election [55].

The special report must include at least the amount of the contribution, the date of receipt, the name and address of the donor, the name and address of the recipient, and any other information the commission may by rule require [56].

The special report must be delivered in written form (including but not limited to a mailgram, telegram, or nightletter) to the public disclosure commission; however, the report may be transmitted orally by telephone to the commission to satisfy the delivery period if the written form of the report is also mailed to the commission and postmarked within the established delivery period. The special report by a campaign treasurer must be delivered to the commission within 48 hours of the time the contribution is received by the candidate or campaign treasurer or on the first working day thereafter. The report by a political committee must be delivered to the commission and the candidate or political committee to whom the contribution is made within 24 hours of the time the contribution is made or on the first working day thereafter [57].

G. **Notice of Investment of Campaign Funds.** A candidate or political committee may invest funds on hand in a campaign depository in bonds, certificates, savings accounts, or other similar savings instruments in financial institutions other than the campaign depository; however, the public disclosure commission and the appropriate county elections officer must be notified in writing of the initiation and the termination of the investment. The principal of the investment when terminated, together with all interest, dividends, and income derived from the investment, must be deposited in the campaign depository in the account from which the investment was made and be properly reported prior to any further disposition or expenditure [58].

H. **Alternative Report of Fund-Raising Activities.** A candidate or political committee may submit an alternative report of fund-raising activities that meet certain standards in lieu of the pre-election contribution reports otherwise required. A fund-raising activity to be reported in an alternative report must conform to the following standards:

(1) The income resulting from the conduct of the activity is derived solely from either the retail sale of goods or services at prices that in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity or a gambling operation that is licensed, conducted, or operated in accordance with state law and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager that may be made by a person participating in the gambling activity.

(2) No person responsible for receiving money at the activity may knowingly accept payment from a single person that would result in a profit to the committee of $25 or more unless the name and address of the person making the payment, together with the approximate amount of profit to the committee resulting from the payment, are disclosed.

(3) Other standards as may be established by regulation of the public disclosure commission [59].

All funds obtained through the use of a conforming fund-raising activity must be deposited in the campaign depository within 5 business days of receipt by the campaign treasurer in the same account into which contributions are deposited. At the time of deposit, the campaign treasurer must file with the commission a report of the fund-raising activity containing the following information: (1) the date that the activity occurred; (2) the location of the activity; (3) a precise description of the fund-raising methods used; (4) a financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate; (5) the monetary value of wagers made and prizes distributed for winning wagers, where appropriate; (6) the name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals $25 or more in the aggregate, together with a precise description of each item or service contributed and its estimated market value; (7) the name and address of each person whose identity can be ascertained and who makes payments to the committee at the activity that result in a profit of $25 or more to the committee, together with the approximate amount of profit resulting from the payments; and (8) a complete listing of the names and addresses of the persons responsible for conducting the activity [60].

I. Report of Contributions to and Expenditures by an Out-of-State Political Committee. Funds received from a political committee not domiciled in the state and not otherwise required to report must be forfeited to the state unless the non-reporting committee or the recipient of the funds within 10 days following receipt files with the public disclosure commission a statement disclosing (1) its name and address; (2) the purposes of the non-reporting committee; (3) the names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and titles of its responsible leaders; (4) a statement whether the non-reporting committee is a continuing one; (5) the name, office sought, and party affiliation of each candidate in the state whom the non-reporting committee is supporting and, if the committee is supporting the entire ticket of any party, the name of the party; (6) the ballot proposition supported or opposed in the state, if any, and whether the committee is in favor of or opposed to the proposition; (7) the name and address of each person residing in the state or corporation that has a place of business in the state that has made one or more contributions in the aggregate of $25 or more to the non-reporting committee during the current calendar year, together with the money value and date of the contributions; (8) the name and address of each person in the state to whom an expenditure was made by the non-reporting committee on behalf of a candidate or political committee in an aggregate amount of $25 or more, the amount, date, and purpose of the expenditure, and the total sum of such expenditures; and (9) such other information as the commission may by regulation prescribe. A non-reporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information [61].

J. Report of Independent Expenditures. Within 5 days after the date of making an independent campaign expenditure (that is, any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported) that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals $100 or more or within 5 days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the expenditure must file an initial report of all independent campaign expenditures made during the campaign prior to and including such date. The report is to be filed with the public disclosure commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure or, in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure [62].

If the reporting person has made an independent campaign expenditure since the date of the last previous report, a further report of the independent campaign expenditures made since the date of the last report is required to be filed on the 21st day preceding the primary, on the 7th day preceding the date on which the election is held, within 21 days after the date of the election, and on the 10th day of each month in which no other reports are required to be filed. The report filed 21 days after the election is the final report, and upon submission of the final report the duties of the reporting person cease [63].

Each report must disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure and ending not more than 5 days prior to the date the report is due the following information: (1) the name and address of the person filing the report; (2) the name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of $25 or more and the amount, date, and purpose of each expenditure; however, if no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it is sufficient to report instead a precise description of the services, property, or rights furnished through the expenditure and, where appropriate, to attach a copy of the item produced or distributed by the expenditure; (3) the total sum of all independent campaign expenditures made during the campaign to date; and (4) such other information as may be required by the commission by regulation [64].

K. Report of Financial Affairs. Candidates for elective office, other than federal office or office of precinct committeeman, are required to file sworn written statements of financial affairs with the public disclosure commission. A candidate must file a statement within two weeks after becoming a candidate covering the preceding 12 months; however, a statement filed from January 1st to April 15th must cover the period from January 1st of the preceding calendar year to the time of candidacy if the filing would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year. No individual is required to file more than once in any calendar year [65].

L. Reporting of Contributions Constituting a Public Office Fund. An elected or appointed official required to file reports of financial affairs must report for himself and for members of his immediate family to the public disclosure commission any contributions received during the preceding calendar year for the official's use in defraying non-reimbursed public office-related expenses. Contributions include reimbursements from or payments by persons, other than the state or any agency, for travel expenses. These contributions are referred to as a "public office fund" and may not be transferred to a political committee or used to promote or oppose a candidate or ballot proposition. No report is required if the receipt of the contribution has been reported in a continuing political committee report or the contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed [66].

A report must be filed during January following a year in which contributions were received for or expenditures made from a public office fund and include (1) the name and address of each contributor; (2) a description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; and (3) a description of each expenditure made, including the name and address of the recipient, the amount, and the date of each expenditure [67].

V. POST-ELECTION REQUIREMENTS

A. Disposition of Surplus Funds. The surplus funds of a candidate or a political committee supporting or opposing a candidate may be disposed of only by (1) returning the surplus to a contributor in an amount not to exceed the contributor's original contribution; (2) transferring the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign; (3) transferring the surplus to one or more candidates or to a political committee or party; (4) donating the surplus to a charitable organization; (5) transmitting the surplus to the state treasurer for deposit in the general fund; or (6) holding the surplus in the designated campaign depositories for possible use in a future election campaign, for political activity, for community activity, or for non-reimbursed public office-related expenses. The disposition of surplus funds must be reported in a report of contributions and expenditures [68].

"Surplus funds" in the case of a political committee or candidate are the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, surplus funds are those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report [69].

VI. OFFENSES AND PENALTIES

A. Enforcement Procedure

1. Public Disclosure Commission. The public disclosure commission may determine whether an actual violation of the public disclosure law has occurred and issue and enforce an appropriate order following the determination. In cases where it chooses to determine whether an actual violation has occurred and to issue an order, the commission must hold a contested case hearing to make such determination or in lieu of holding a hearing or issuing an order, the commission may refer the matter to the attorney general or other enforcement agency. A commission order may require the violator to cease and desist from the activity that constitutes a violation and impose one or more of the civil remedies and penalties that may be imposed by a court; however, no individual penalty may exceed $1,000 and in any case where multiple violations are involved in a single complaint or hearing the maximum aggregate penalty may not exceed $2,500 [70].

2. Attorney General and Prosecuting Attorneys. The attorney general and the prosecuting authorities of political subdivisions may bring civil actions in the name of the state for any appropriate civil remedy. They may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of the Public Disclosure Law [71].

3. Citizen. Any person who has provided written notification to the attorney general and the prosecuting attorney in the county in which an alleged violation occurred that there is reason to believe that some provision of the Public Disclosure Law is being or has been violated may bring in the name of the state any of the civil actions authorized in the Public Disclosure Law. This citizen action may be brought only if the attorney general and the prosecuting attorney have failed to commence an action within 45 days after the notice, the person thereafter further notified the attorney general and prosecuting attorney that he will commence a citizen's action within 10 days upon their failure to do so, and the attorney general and prosecuting attorney failed to bring the action within 10 days of receipt of the second notice [72].

B. Civil Remedies and Sanctions. A court may impose civil remedies and sanctions, in addition to any other remedies provided by law. If the court finds that the violation of any provision of the Public Disclosure Law by any candidate or political committee probably affected the outcome of any election, the result of the election may be held void and a special election held within 60 days of the finding. A person who violates any of the provisions of the Public Disclosure Law is subject to a civil penalty of not more than $10,000 for each violation. A person who fails to file a properly completed statement or report within the time required is subject to a civil penalty of

$10 per day for each day the delinquency continues. A person who fails to report a contribution or expenditure is subject to a civil penalty equivalent to the amount he failed to report. A court may enjoin any person to prevent the doing of any act prohibited or to compel the performance of any act required [73].

VII. REGULATION AGENCIES

A. Public Disclosure Commission. The public disclosure commission is required to (1) develop and provide forms for required reports and statements; (2) prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements; (3) compile and maintain a current list of all filed reports and statements; (4) investigate whether properly completed statements and reports have been filed within the times required; (5) upon complaint or upon its own motion, investigate and report apparent violations to the appropriate law enforcement authorities; (6) prepare and publish an annual report to the governor as to the effectiveness of the Public Disclosure Law and its enforcement by appropriate law enforcement authorities; and (7) enforce the Public Disclosure Law according to the powers granted it by law [74]. The commission is the designated filing office to receive campaign financing and financial affairs reports and statements required to be submitted under the Public Disclosure Law [75].

The commission is empowered to (1) adopt, promulgate, amend, and rescind suitable administrative rules and regulations; (2) appoint an executive director, who is to perform the duties and has the powers prescribed and delegated by the commission to implement and enforce the Public Disclosure Law efficiently and effectively; (3) prepare and publish reports and technical studies, including reports and statistics concerning campaign financing, financial interests of elected officials, and enforcement of the Public Disclosure Law; (4) make audits and field investigations; (5) adopt and promulgate a code of fair campaign practices; (6) relieve, by rule, candidates or political committees of obligations to comply with the provisions of the Public Disclosure Law relating to election campaigns if they have not received contributions or made expenditures in connection with any election campaign of more than $1,000; (7) suspend or modify any of the reporting requirements in a particular case if it finds that literal application of the law works a manifestly unreasonable hardship and the suspension or modification will not frustrate the purposes of the law; (8) revise at least every 2 to 5 years the monetary reporting thresholds and reporting code values of the Public Disclosure Law; and (9) issue binding and non-binding declaratory rulings upon receipt of a petition from any person [76].

B. County Elections Officers. The appropriate county elections officer is the designated filing officer, along with the public disclosure commission, for campaign financing-related reports [77].

C. Secretary of State. The office of the secretary of state is designated as a place where the public may file papers or correspond with the public disclosure commission and receive any form or instruction from the commission [78].

D. Attorney General. The attorney general, through his office, must supply such assistance as the public disclosure commission may require in order to carry out its responsibilities under the Public Disclosure Law [79].

REFERENCES

1. Revised Code of Washington (1974) (hereafter RCW) § 42.17.020(10); Washington Administrative Code (hereafter WAC) § 390-05-210
2. RCW § 42.17.020(10)
3. RCW §§ 42.17.120; 42.17.242
4. RCW § 42.17.060(4)
5. RCW § 42.17.125
6. RCW § 42.17.130
7. RCW § 42.17.105(8)
8. RCW § 42.17.060(5)
9. RCW § 41.04.230(7)
10. RCW § 41.06.250(1)
11. RCW § 41.06.250(1)
12. RCW § 42.17.020(14)
13. WAC § 390-16-200
14. WAC § 390-16-205
15. WAC § 390-16-206
16. RCW § 42.17.070
17. RCW § 42.17.030(1), (5)
18. RCW § 42.17.050(2)-(4)
19. RCW § 42.17.405; WAC § 390-05-300
20. RCW § 42.17.040(1); WAC § 390-16-011 (Form C-1)
21. RCW § 42.17.020(24)
22. RCW § 42.17.020(21)
23. RCW § 42.17.050(3)
24. RCW § 42.17.040(2), (3)
25. RCW § 42.17.050(1); WAC § 390-16-011 (Form C-1)
26. RCW § 42.17.020(5); WAC § 390-05-200
27. RCW § 42.17.050(2)
28. RCW § 42.17.050(4)
29. RCW § 42.17.060(1), (2)
30. RCW § 42.17.070
31. RCW §§ 42.17.065(5), (7); 42.17.080(4)
32. RCW §§ 42.17.080(1), (2); 42.17.370(8)
33. RCW § 42.17.080(1); WAC § 390-16-041 (Form C-4 and Schedules A, B, and C)
34. RCW § 42.17.080(2); WAC § 390-16-041 (Form C-4 and Schedules A, B, and C)
35. RCW § 42.17.080(2); WAC § 390-16-041 (Form C-4 and Schedules A, B, and C)
36. RCW § 42.17.080(2); WAC § 390-16-041 (Form C-4 and Schedules A, B, and C)
37. RCW § 42.17.090(1)(a)-(k); WAC §§ 390-16-037; 390-16-041 (Form C-4 and Schedules A, B, and C); 390-16-207
38. RCW §§ 42.17.080(5); 42.17.090(2)
39. RCW §§ 42.17.020(9); 42.17.065(1), (2)
40. RCW § 42.17.065(2), (6)
41. RCW § 42.17.065(3)
42. WAC § 390-16-039(1), (3)
43. WAC § 390-16-039(2)
44. RCW § 42.17.065(4)
45. RCW § 42.17.370(8); WAC § 390-16-105
46. RCW § 42.17.370(8); WAC § 390-16-110
47. WAC § 390-16-111
48. WAC § 390-16-115(1)-(3)
49. WAC §§ 390-16-011 (Form C-1); 390-16-120(1), (2)
50. WAC §§ 390-16-041 (Form C-4); 390-16-120(3), (4)
51. WAC § 390-16-125(1), (2)
52. RCW § 42.17.370(8); WAC §§ 390-16-011 (Form C-1); 390-16-150
53. WAC § 390-16-155
54. RCW § 42.17.080(3); WAC § 390-16-131 (Form C-3)
55. RCW § 42.17.105(1), (2)
56. RCW § 42.17.105(5)
57. RCW § 42.17.105(3), (4)
58. RCW § 42.17.060(3)
59. RCW § 42.17.067(1), (2); WAC § 390-16-036 (Form C-3A)
60. RCW § 42.17.067(3), (4); WAC § 390-16-302; 390-16-306
61. RCW § 42.17.090(1)(k); WAC §§ 390-16-055; 390-16-060 (Form C-5)
62. RCW § 42.17.100(1), (2); WAC §§ 390-16-060 (Form C-6); 390-16-061
63. RCW § 42.17.100(3)
64. RCW § 42.17.100(5); WAC §§ 390-16-060 (Form C-6); 390-16-061
65. RCW § 42.17.240; 42.17.241; WAC §§ 390-24-010 (Form F-1); 390-24-020 (Form F-1A); 390-24-030
66. RCW § 42.17.243(1), (2); WAC § 390-24-030 (Form F-2)
67. RCW § 42.17.243(1)
68. RCW § 42.17.095; WAC §§ 390-16-225; 390-16-250
69. RCW § 42.17.020(27); WAC § 390-15-220
70. RCW §§ 42.17.395(1)-(4); 42.17.390(1)(c)-(e)
71. RCW § 42.17.400(1), (2)
72. RCW § 42.17.400(4)
73. RCW § 42.17.390(1)
74. RCW § 42.17.360
75. *See, for example,* RCW § 42.17.080
76. RCW §§ 34.04.080; 42.17.370; WAC § 390-12-250
77. *See, for example,* RCW § 42.17.080
78. RCW 42.17.380(1)
79. RCW 42.17.380(2)

CAMPAIGN FINANCE LAW
IN WEST VIRGINIA

I. INTRODUCTION

West Virginia limits contributions by any person in a campaign for nomination or election of a candidate to a maximum of $1,000. Corporations are not permitted to contribute to a candidate, financial agent, or political committee, but may establish a separate segregated fund. Candidates, financial agents, and other persons that advocate or oppose a candidate or issue must file statements of contributions and expenditures before and after a primary or other election. An individual who is considering whether to become a candidate may receive contributions and make expenditures, but must file periodic reports of contributions and expenditures. The state election commission and secretary of state are responsible for administering the political campaign regulations law.

II. SOLICITATION AND CONTRIBUTION LIMITATIONS

A. Definition of Contribution. A "contribution" is a gift subscription, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance, or promise of money or other tangible thing of value, whether or not conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person made for the purpose of influencing the nomination, election, or defeat of a candidate or for the passage or defeat of any issue, thing, or item to be voted upon. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation [1].

B. Maximum Contribution Amounts. No person, directly or indirectly, may make any contribution in excess of a value of $1,000 in connection with any campaign for nomination or election to or on behalf of any statewide or national elective office or any other elective office in the state or any of its subdivisions or in connection with or on behalf of any committee, other organization, or person engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office [2].

C. Corporate Contributions. An officer, agent, or person acting on behalf of any domestic or foreign corporation may not pay, give, lend, or authorize to be paid, given, or lent any money or other thing of value belonging to the corporation to any candidate, financial agent, political committee, or other person for the payment of any primary or other election expenses whatever, and except in the case of a referendum issue, a person may not solicit or receive such payment, contribution, or other thing of value from a corporation, its officers or agents, or other persons acting on its behalf. This prohibition does not include (1) direct communications, other than by newspapers of general circulation, radio, television, or billboard advertising likely to reach the general public, by a corporation to its stockholders and executive or administrative personnel and their families on any subject, (2) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executives or administrative personnel and their families; and (3) the solicitation of contributions to a separate segregated fund to be utilized for political purposes by any corporate officer, agent, or person on behalf of the corporation [3].

D. Corporate Separate Segregated Fund. A separate segregated fund may be established by a corporation to be used for political purposes by any corporate officer, agent, or person on behalf of the corporation. The fund will be deemed to be a political committee and is subject to the political campaign provisions of the election code. It is unlawful for (1) a fund to make a contribution or expenditure by using money or anything of value secured (a) by physical force, job discrimination, financial reprisal, or the threat of force, job discrimination, or financial reprisal (b) as a condition of employment, or (c) by monies obtained in any commercial transaction; (2) any person soliciting stockholders, executive or administrative personnel, and their family members for a contribution to the fund to fail to inform them of its political purposes at the time of the solicitation; (3) any person soliciting any other person for a contribution to a fund to fail to inform the other person at the time of the solicitation of his right to refuse to contribute without any reprisal; (4) a corporation or its separate segregated fund to solicit or receive contributions to the fund from any person other than its stockholders, executive or administrative personnel, and their families or to contribute any corporate funds; (5) a corporation to engage in job discrimination or to discriminate in job promotion or transfer because of an employee's failure to make a contribution to a fund; (6) a fund directly or indirectly to make any contribution in excess of the value of $1,000 in connection with any campaign for nomination or election to or on behalf of any elective office in the state or any of its subdivisions or in connection with or on behalf of any committee, other organization, or person engaged in furthering, advancing, or advocating the nomination or election of any candidate to any such office; and (7) a corporation to pay, give, lend, or authorize to be paid, given, or lent any monies or other things of value belonging to the corporation to its fund for any purpose [4].

A separate segretated fund may use the real or personal property, facilities, and equipment of a corporation solely to establish, administer, and solicit contributions to the fund, subject to the rules and regulations of the state election commission; however, the corporation must also permit any group of its employees represented by a bona fide political action committee to use the real property of the corporation solely to establish, administer, and solicit contributions to the fund of the political action committee, subject to the rules and regulations of the state election commission [5].

Public utility companies and railroad companies may not form separate segregated funds or political action committees in support of political candidates or parties and may not use corporate real or personal property, facilities, equipment, materials, or services of the utility to establish, administer, or solicit contributions to the fund or committee [6].

E. Contributions by Intermediaries. No person, firm, association, or committee may make any contribution except from its own funds unless it discloses in writing to the recipient the full name, residence and mailing address, and major business affiliation and occupation of the person, firm, association, or committee that furnished the funds to the contributor [7].

F. Solicitation of Contributions From Candidates. No person, other than a financial agent or political party committee member, may solicit from a candidate any money, gift, contribution, emolument, or other valuable thing for any purpose, including the expenses of any primary or other election campaign, and no person may demand, solicit, ask, or invite a candidate (1) to make any contribution or incur any obligation to a religious, charitable, or fraternal cause or organization other than a political committee, (2) to buy tickets to any entertainment or ball, or (3) to subscribe or pay for space in any publication; however, this prohibition does not apply to the solicitation of business advertisements in a periodical in which a candidate regularly advertised prior to his candidacy, to ordinary business advertising, or to the regular and normal payments to any organization to which he may have been a contributor for more than 6 months before his candidacy [8].

G. Contributions Over $50 by Money Order or Check. A contribution over $50 from any one contributor is prohibited unless it is by money order or check [9].

H. Government Contractor Contributions. No person entering into any contract with the state or its subdivisions for rendering personal services, furnishing any material, supplies, or equipment, or selling any land or building to the government to be paid in whole or in part from public funds may, during the period of negotiation for or performance under the contract, directly or indirectly make any contribution to any political party, committee, or candidate for public office or to any person for political purposes or use, and no person or firm may solicit any contributions for a prohibited purpose during a negotiation or performance period [10].

I. Solicitation of Contributions by and From Government Employees. No person may solicit any contribution from any non-elective salaried employee of the state government or any of its subdivisions or coerce or intimidate any such employee into making a contribution; however, a governmental employee may make voluntary contributions [11]

No employee in the classified service under the state civil service law or member of the state civil service commission or its director may, directly or indirectly, solicit or receive any assessment, subscription, or contribution or perform any service for any political party, committee, or candidate for compensation, other than for expenses actually incurred, or in any manner take part in soliciting any such assessment, subscription, contribution, or service of any employee in the classified service. No employee in the classified service may directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay or contribute anything of value to a party, committee, organization, agency, or person for political purposes [12].

The Bribery and Corrupt Practices Act generally prohibits the solicitation or acceptance of gifts and gratuities by public servants and the offering or giving of gifts and gratuities to public servants, but these prohibitions do not apply to campaign contributions made for use in meeting campaign expenses by any public servant by or for whom a certificate of candidacy has been filed for election to the same or other public office for which such campaign is to be conducted (1) if the campaign contributions are made after the filing of the certificate of candidacy, (2) if no part of the contributions inures (or in the case of a contributor is intended by him to inure) to the private financial gain of any public servant, and (3) when the political campaign regulations law is applicable to the public office being sought, if the contributions are within the prescribed limits, are reported (or in the case of a contributor are not intended by him not to be reported) as contributions, and are not otherwise prohibited [13].

J. Solicitation in Government Buildings. No person may solicit in any manner any contribution of money or any other thing of value for any party or political purpose from any federal, state, or local government officer or employee in any building occupied for the discharge of official duties by officers and employees of the state and its political subdivisions [14].

K. Notice of Compensation for the Solicitation of Contributions. No person may solicit a contribution from any other person without informing the other person at the time of the solicitation of the amount of any commission, remuneration, or other compensation that the solicitor or any other person will receive or expects to receive as a direct result of the contribution being succesfully collected. This prohibition does not apply to solicitations of contributions made by any person serving as an unpaid volunteer [15].

L. Contributions from Unidentified Contributors. No contribution may be made, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person so as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment of the contributor's identity [16].

No person, association, or committee may accept any contribution for the purpose of influencing the nomination, election, or defeat of a candidate or for the passage or defeat of any issue or thing to be voted upon unless the identity of the donor and the amount of the contribution is known and reported [17].

When any candidate, organization, committee, or person receives any anonymous contribution that cannot be returned because the donor cannot be identified, the contribution may not be expended for election expenses, but must be donated to the state general revenue fund [18].

M. Solicitation and Acceptance of Contributions by Judges and Judicial Office Candidates. A judge who is not a candidate for election or reelection should not solicit funds for or allow his name to be used to solicit funds for a political organization and may not make any contribution except to a political party or political organization recognized by law. A candidate for judicial office, including an incumbent judge, that is to be filled by public election between competing candidates should not himself solicit or accept campaign funds, but he may establish committees of responsible persons to secure and manage the expenditures of funds for his campaign. Such committees are not prohibited from soliciting campaign contributions from lawyers. A candidate's committee may solicit funds in accordance with the state law. A candidate for judicial office should not permit the use of campaign contributions for the private benefit of himself or members of his family [19].

III. EXPENDITURE LIMITATIONS

A. Definition of Expenditure. The term "expenditure" is not defined in the election code [20].

B. Lawful Expenditures. A candidate, financial agent, or treasurer of a political party committee is not permitted to pay, give, or lend, either directly or indirectly, any money or other thing of value for any election expenses, except for the following purposes: (1) for rent, maintenance, and furnishing of offices to be used as political headquarters and for the payment of necessary clerks, stenographers, typists, janitors, and messengers actually employed therein; (2) in the case of a candidate who does not maintain a headquarters, for reasonable office expenses and for the payment of necessary clerks, stenographers, and typists actually employed; (3) for printing and distributing books, pamphlets, circulars, and other printed matter; radio and television broadcasting; and painting, printing and posting signs, banners, and other advertisements, all relating to political issues and candidates; (4) for renting and decorating halls for public meetings and political conventions, for advertising public meetings, and for the payment of traveling expenses of speakers and musicians at such meetings; (5) for the necessary traveling and hotel expenses of candidates, political agents, and committees and for stationery, postage, telegrams, telephone, express, freight, and public messenger service; (6) for preparing, circulating, and filing petitions for nomination of candidates; (7) for examining the lists of registered voters, securing copies of the lists, investigating the right to vote of a person listed, and conducting proceedings to prevent unlawful registration or voting; (8) for conveying voters to and from the polls; (9) for securing publication in newspapers and by radio and television broadcasting of documents, articles, speeches, arguments, and any information relating to any political issue, candidate, or question or propostion submitted to a vote; (10) for conducting public polls; and (11) for legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized as a lawful election expense. Every liability incurred and payment made must be at a rate and for a total amount that is proper, reasonable, and fairly commensurate with the services rendered [21].

C. Payment for Endorsements. No person may pay a newspaper or other periodical to advocate or oppose editorially any candidate for nomination or election, any political party, or any measure to be submitted to the vote of the people, and an owner, publisher, editor, or employee of the periodical may not solicit or accept such payment [22].

IV. REPORTING REQUIREMENTS

A. Designation of a Treasurer or Financial Agent. A written statement designating a person as the treasurer of a political party committee or the financial agent for a candidate for nomination or election, national convention delegate, or other person or organization advocating or opposing the nomination, election, or defeat of any candidate or the passage or defeat of any issue, thing, or item to be voted upon must be filed with the appropriate filing officer at least 60 days before the general, primary, or special election at which the designee is to act. No person may act as treasurer or financial agent before the statement is filed. The statement of designation of a political party committee treasurer or a financial agent for a candidate for nomination to statewide office, a national convention delegate, a presidential candidate, a candidate for an office with an election district larger than a county, and a person or organization advocating or opposing the nomination, election, or defeat of any candidate or the passage or defeat of any issue, thing, or item to be voted upon in an election district larger than a county is filed with the secretary of state. The statement of designation for a political party committee treasurer or the financial agent for a candidate for a county or intra-county district office, a candidate for any other office, or a person or organization concerned with a candidate for county, intra-county district, or other office or with a county-level or other issue is filed with the clerk of the county commission [23].

A "candidate" is any person to be voted for at a general, primary, or special election [24]. A "person" is an individual, partnership, committee, association, corporation, or any other organization or group of persons [25]. A "financial agent" is any person acting for and by himself or any two or more natural persons acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office or to aid or promote the success or defeat of any political party or principle at any election or any proposition submitted to a vote at a public election [26].

All candidates in all elections, except party committeemen and committeewomen candidates, and all persons or organizations advocating or opposing the nomination or election of any candidate or the passage or defeat of any issue, thing, or item to be voted upon must keep records of receipts and expenditures made for political purposes. Verified financial statements of such records must be made and filed by all candidates and their financial agents and representatives, by any person acting for or on behalf of any candidate or the passage or defeat of any issue, thing, or item to be voted upon, and by the treasurers of all political party committees [27].

Every political party committee must appoint and rdtain a treasurer to receive, keep, and disburse all sums of money collected or received by the committee or its members for election expenses, and unless the treasurer has been appointed, it is unlawful for the committee or its members to collect, receive, or disburse money for election expenses. All monies collected or received by the committee or its members for election expenses must be paid to and be disbursed by the treasurer. The same person may be designated to act as treasurer for two or more political party committees [28].

B. Statements of Contributions and Expenditures. Every candidate, financial agent, person, association of persons, and organization of any kind (including a corporation directly or indirectly supporting a separate segregated fund or engaging in other permissible corporate activities and the treasurer or equivalent officer of an association or organization) that advocates or opposes the nomination, election, or defeat of any candidate or the passage or defeat of any issue, thing, or item to be voted upon and the treasurer of every political party committee must keep detailed accounts of all sums of money or other things of value received (including all loans of money or things of value), all expenditures and disbursements made, and all liabilities incurred for political purposes by the candidate, financial agent, person, association, organization, or committee (including officers and members of the committee or any person acting under its authority or on its behalf) [29].

Each person or association of persons required to keep detailed accounts must file detailed itemized statements of contributions and expenditures subscribed and sworn to before an officer authorized to administer oaths [30]. A person who announces as a write-in candidate for any elective office and his financial agent or election organization of any kind must comply with the requirement to keep detailed accounts and file statements of contributions and expenditures after public announcement of his candidacy has been made [31].

Each financial statement must show (1) the full name, address, and telephone number of the party filing the financial statement; (2) the balance of cash and any other sum of money on hand at the beginning and the end of the period covered; (3) the full name of each contributor, the amount of the contribution, and if the aggregate sums contributed by any one contributor exceed $250, the contributor's address and, in the case of an individual, his major business affiliation and occupation; (4) the total amount of contributions received during the period covered by the statement; (5) the full name and address of each individual, firm, association, or committee making or cosigning a loan, the amount of any loan received, and the date and terms of the loan, including interest and repayment schedule, along with a copy of the loan agreement; (6) the full name and address of each individual, firm, association, or committee having previously made or cosigned a loan for which payment is made or a balance is outstanding at the end of the period, together with the amount of repayment on the loan made during the period and the balance at the end of the period; (7) the total outstanding balance of all loans at the end of the period; (8) the full name and address of each individual, firm, association, or committee to whom each expenditure was made or liability incurred, the amount and purpose of the expenditure or liability, and the date of the transaction; (9) the total expenditures for the nomination, election, or defeat of a candidate or any person or organization advocating or opposing the nomination, election, or defeat of any candidate or the passage or defeat of any issue, thing, or item to be voted upon in whose behalf an expenditure was made or a contribution given for the primary or other election; and (10) the total amount of expenditures made during the period covered [32].

The following additional reporting and other requirements must be fulfilled:

(1) Any unexpended balance at the time of making a financial statement must be properly accounted for in the statement and appear as a balance in the next following statement [33].

(2) When any lump-sum payment is made to any advertising agency or other disbursing person that does not file a report of detailed accounts and verified financial statements, the lump-sum expenditures must be accounted for in the statement [34].

(3) Each financial statement must contain a separate section with, in addition to the information required for all contributions and expenditures, additional information for each fund-raising event held during the period covered by the statement, including the type of event, the date held, the address and name of the place where the event was held, the total of all moneys received, the expenditures incident to the event, and the net receipts of the event [35].

(4) Any contribution or expenditure made by or on behalf of a candidate for public office to any other candidate or committee for a candidate for any public office in the same election must be reported [36].

(5) Any firm, association, committee, or fund permitted to be a political committee must disclose its corporate or other affiliation [37].

(6) The written disclosure from a person, firm, association, or committee that made a contribution to the reporting party from other than its own funds must be included in the statement [38].

(7) Any anonymous contribution must be recorded as such on the statement. At the time of filing, the statement must include a statement of the distribution of anonymous contributions, and the total amount of distributed anonymous contributions must equal the total of all anonymous contributions received during the period [39].

(8) Every candidate, financial agent, person, association of persons, or organization advocating or opposing the nomination or election of any candidate or the passage or defeat of any issue or item to be voted upon that receives money or any other thing of value as a loan toward election expenses must execute a written agreement with the individual, lending institution, or organization making the loan. The agreement must state the date, amount, and terms (including interest) of the loan, the repayment schedule, a description of the collateral, if any, and the full names and addresses of all parties to the agreement. A copy of the agreement must be filed with the next financial statement required after the loan is executed [40].

Statements of contributions and expenditures must be filed according to the following schedule:

(1) On the last Saturday in March or within 15 days thereafter next preceding the primary election day whenever the total of all financial transactions relating to election exceeds $500. The statement is to include all financial transactions that have taken place either by the date of the current statement and subsequent to any previous statement filed within the previous 5 years or, if no previous statement was filed, within the preceding 5 years.

(2) Not less than 7 nor more than 10 days preceding each primary, general, or special election. The statement must include all financial transactions that have taken place by the date of the statement and subsequent to the previous statement, if any.

(3) Not less than 25 nor more than 30 days after each primary, general, or special election. The statement must include all financial transactions

that have taken place by the date of the statement and subsequent to the previous statement.

(4) Annually on the last Saturday in March or within 15 days thereafter whenever contributions or expenditures relating to an election exceed $500 or whenever any loans are outstanding. The statement must include all financial transactions that have taken place the time of the report and subsequent to any previous report [41].

For the purpose of determining if and when a financial statement is required to be filed, "financial transactions" include all contributions or loans received and all repayments of loans or expenditures made to promote the candidacy of any person by any candidate or any organization advocating or opposing the nomination, election, or defeat of any candidate or to promote the passage or defeat of any issue, thing, or item to be voted on [42].

Financial statements are filed with the secretary of state by candidates for state offices and for other offices to be nominated or elected by the voters of a political division greater than a county and with the clerk of the county commission by all other candidates for offices to be nominated or elected [43].

C. Special Pre-Candidacy Requirements and Reports. A person otherwise qualified to be a candidate for any public office or position determined by public election may receive contributions and make expenditures, personally or by another individual acting as a treasurer or financial agent, to determine the advisability of becoming a candidate or preparing to be a candidate; however, such contributions may be received and expenditures made only during the 4 years immediately preceding the term of office for which the person may be a candidate or during the term of office immediately preceding the term of office for which a person may be a candidate, whichever is less [44].

A person undertaking to determine the advisability of becoming or preparing to be a candidate who desires to receive contributions before filing a certificate of candidacy must name himself or another individual to act as treasurer or financial agent and file a designation of financial agent before receiving any contributions [45].

A person who receives a contribution and is acting for and by himself as a pre-candidate or as treasurer or agent for another pre-candidate must keep detailed accounts of all money or other things of value received, expenditures and disbursements made, and liabilities incurred, as is required in the case of a candidate, for the period prior to the date of filing for candidacy for the office he is considering seeking. If he has received contributions or made expenditures, he must file detailed statements of contributions and expenditures on the last Saturday in March annually and also on the last Saturday in March or within 15 days thereafter preceding the election at which the names of candidates appear on the ballot for the public office or position he originally considered seeking. If the person becomes a candidate for any office or position decided at that election, the itemized statement is to be included within the first statement required to be filed by a candidate. If the person does not become a candidate at that election, then the detailed itemized statement is the only statement required to be filed by the pre-candidate [46].

Regardless of whether the person becomes a candidate as originally intended, becomes a candidate for some office other than the office or position originally intended, or does not become a candidate, all limits on campaign contributions and expenditures applicable to the candidacy of or advocacy of the candidacy of the person for the office he actually seeks are applicable to and inclusive of the receipts and expenditures during the pre-candidacy period as well as after the person becomes a candidate [47].

D. Advertising Agency Reports. Every advertising agency subject to the political campaign regulations must file financial statements that include in itemized detail all receipts from and expenditures made on behalf of a candidate, financial agent, or treasurer of a political party committee in the manner and form and at the times required for statements filed by candidates and others [48].

V. OFFENSES AND PENALTIES

A. Criminal Penalties. A person who violates the provisions of the election code concerning political campaign regulations is guilty of a misdemeanor. The usual penalty is a fine of not more than $500 to $1,000, confinement in jail for not more than one year, or both [49]. Forty days after a primary or other election, the secretary of state or county clerk, as appropriate, must give notice of any failure to file a required statement of contributions and expenditures to the prosecuting attorney of the county where the delinquent lives [50]. A person who makes or receives a monetary contribution of $50 or more in value other than by check or money order may be fined a sum equal to three times the amount or value of the contribution [51]. In all cases of violations of the political campaign regulations by any partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing or controlling heads who knowingly and willingly participate in the violation are subject to the penalties and punishments prescribed for the organization [52].

B. Election-Related Penalties. A candidate nominated at a primary election who has failed to make a required sworn statement may not have his name placed on the official ballot for the ensuing election unless the required financial statement is filed by the candidate or his financial agent. A commission or certificate of election may not be issued to any person elected to any public office who has failed to file a required sworn statement, and the person may not enter upon the duties of his office until he has filed the statement or receive any salary or emoluments for the period prior to the filing of the statement [53].

VI. REGULATORY AGENCIES

A. State Election Commission. The state election commission is required (1) to investigate, upon complaint or on its own initiative, any alleged violations or irregularities of the political campaign requirements; (2) to report alleged violations to the appropriate prosecuting attorney; and (3) to adopt rules and regulations concerning separate segregated funds of corporations [54].

B. Secretary of State and County Clerks. Required statements and reports are filed with the secretary of state or county clerk, as appropriate [55]. Blank forms for financial statements are prepared by the secretary of state and furnished through the county clerk or otherwise to candidates, political committee treasurers, financial agents, and other persons [56].

REFERENCES

1. West Virginia Code (hereafter WVC) § 3-8-5c
2. WVC § 3-8-12(f)
3. WVC § 3-8-8(a), (b); Anderson Paving Inc. v. Hayes, 295 S.E.2d 805 (W.Va. 1982)
4. WVC § 3-8-8(b)(1), (2)(A)-(H)
5. WVC § 3-8-8(H)
6. WVC § 3-8-8(b)(2)(I)
7. WVC § 3-8-5a(n)
8. WVC § 3-8-11(a), (b)
9. WVC § 3-8-5a(c)
10. WVC § 3-8-12(d)
11. WVC § 3-8-12(g)
12. WVC § 29-6-20(d), (e)(2)
13. WVC § 61-5A-6
14. WVC § 3-8-12(c)
15. WVC § 3-8-12(h)
16. WVC § 3-8-5a(p)
17. WVC § 3-8-5a(q)
18. WVC § 3-8-5a(r)
19. Judicial Code of Ethics § 7(A)(1), (A)(2), (B)(2)
20. *See, e.g.*, WVC § 3-1-2
21. WVC § 3-8-9(a), (b)
22. WVC § 3-8-11(f)
23. WVC §§ 3-1-2; 3-1-2a; 3-8-4; 3-8-9(d)
24. WVC § 3-1-2
25. WVC § 3-8-4
26. WVC § 3-8-4
27. WVC § 3-8-2
28. WVC § 3-8-3
29. WVC §§ 3-8-3; 3-1-2a
30. WVC §§ 3-8-2; 3-8-5; 3-1-2a
31. WVC § 3-8-5
32. WVC § 3-8-5a(a)-(j)
33. WVC § 3-8-5a(k)
34. WVC § 3-8-5a(h)
35. WVC § 3-8-5a(l)
36. WVC § 3-8-5a(m)
37. WVC § 3-8-5a(o)
38. WVC § 3-8-5a(n)
39. WVC § 3-8-5a(r)
40. WVC § 3-8-5f
41. WVC § 3-8-5(a)-(d)
42. WVC § 3-8-5
43. WVC § 3-8-5b
44. WVC §§ 3-8-5a(a) 3-1-22
45. WVC § 3-8-5a(b)
46. WVC § 3-8-5a(c)
47. WVC § 3-8-5a(c)
48. WVC §§ 3-8-9(c); 3-1-2a
49. WVC §§ 3-8-5d; 3-8-7; 3-8-8(c) 3-8-11; 3-8-12; 3-9-3; 3-9-23
50. WVC § 3-8-7
51. WVC § 3-8-5d
52. WVC 3-8-13
53. WVC § 3-8-7
54. WVC § 3-8-8(d), (e)
55. WVC §§ 3-8-4; 3-8-5b
56. WVC § 3-8-6

CAMPAIGN FINANCE LAW
IN WISCONSIN

I. INTRODUCTION

Wisconsin has set limits on the amount of contributions that may be made to candidates and supporting or opposing political committees. The contribution limits for non-candidate individuals vary according to the office involved, but calendar year contributions may not exceed $10,000. A state office candidate who receives an election campaign fund grant is limited to twice the amount an individual may contribute for the office. A state or local office candidate may not accept contributions from all political committees combined during a campaign of more than 65% of the candidate's authorized disbursement level or from all non-party political committees combined of more than 45% of the authorized level. Political committees are limited in the amounts that may be contributed, with the amount varying according to the office involved. Political parties may not receive calendar year contributions of more than $75,000 from all non-party political committees or more than $10,000 from any one committee. A schedule of authorized disbursement levels has been established to provide a basis for computing the maximum amount of contributions a candidate may accept from political committees and to set the maximum amount a state office candidate receiving an election campaign fund grant may disburse during a campaign. Corporations and associations may not make non-referendum-related contributions and disbursements, but may establish and administer a separate segregated fund.

Candidates, personal campaign committees, political committees, and individuals that meet minimum contribution and disbursement criteria must file registration statements with the appropriate filing officer unless otherwise exempted. Each registrant is required to file periodic reports of contributions and disbursements. A candidate for supreme court justice or state superintendent of public instruction at the spring election and a state office candidate at the general election may receive grants from the Wisconsin election campaign fund if eligibility criteria are met. The state board of elections, along with local filing officers, is responsible for the administration and enforcement of the state campaign financing law.

II. CONTRIBUTION AND SOLICITATION LIMITATIONS

A. Definition of Contribution. A "contribution" is (1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a commercial lending institution made by the institution in accordance with applicable laws and regulations in the ordinary course of business) made for political purposes; (2) a transfer of personalty, including campaign materials and supplies, valued at the replacement cost at the time of transfer; (3) a contract, promise, or agreement, if legally enforceable, to make a contribution for political purposes; (4) a transfer of funds between candidates, political committees, individuals, or political groups subject to a filing requirement under the campaign financing law; (5) the purchase of a ticket for a meal, rally, or other fund-raising event for a political purpose, whether or not actually utilized; and (6) the distribution of any publication

or advertising matter for any political purpose other than by a registrant (i.e., a registered political committee, political group, or individual) or by a corporation or association for an authorized activity [1].

An act is for "political purposes" when it is done for the purpose of influencing (1) the election or nomination for election of any individual to state or local office, (2) the recall from or retention in office of an individual holding a state or local office, or (3) the outcome of any referendum. In the case of a candidate or a political committee or group that is organized primarily for the purpose of influencing the election or nomination for election of any individual to state or local office, the recall from or retention in office of an individual holding a state or local office, or the outcome of any referendum, all administrative and overhead expenses for the maintenance of an office or staff that are used principally for any such purpose are deemed to be for a political purpose [2].

The term "contribution" does not include any of the following: (1) services for a political purpose by an individual on behalf of a registrant who is not compensated specifically for the services; (2) the use of real or personal property and the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for a political purpose if no funds are raised with the knowledge of the host; (3) any unreimbursed payment for travel expenses made by an individual who on his own behalf volunteers the individual's personal services for political purposes; (4) the costs of preparation and transmission of personal correspondence that is not reproduced by machine for distribution; (5) compensation for fringe benefits provided as a result of employment by an employer to regular employees or pensioners who are not compensated specifically for services performed for a political purpose and not in excess of that provided to others of like status; and (6) the reuse of surplus materials or utilization of unused surplus materials not exceeding $400 in value in the aggregate at the time of original receipt that were acquired in connection with a previous campaign for or against the same candidate, candidates, party, or referendum in connection with which the materials are used, if used by the same registrant previously acquiring the materials and previously reported by that registrant as a contribution [3]. When a political committee or group not organized exclusively for political purposes receives a gift, subscription, loan, advance, or deposit of anything of value and does not use it for political purposes, it is not a contribution [4].

B. Maximum Contribution Amounts. Contributions made to and accepted by a candidate or political committee cannot exceed certain maximum limits. No candidate or political committee may receive and accept any contribution in violation of the prescribed limits [5]. Excess contributions must be returned to the donor or donated to the common school fund or a charitable organization [6].

1. Individuals. An individual may not make contributions to a candidate for nomination or election to designated state and local offices or to any individual or political committee acting solely in support of the candiate or solely in opposition to the candidate's opponent of more than the following total amounts per candidate: (a) candidate for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of

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public instruction, and justice of the supreme court--$10,000; (b) candidate for state senator--$1,000; (c) candidate for representative to the assembly--$500; and (d) candidate for all other state and local offices--an amount equal to the greater of $250 or 1¢ times the number of inhabitants of the jurisdiction or district, but not more than $3,000 [7]. These contribution limits apply cumulatively, regardless of the time of contribution, to the entire primary and election campaign, including an uncontested primary, in which the candidate participates, and the total may be apportioned in any manner between the primary and election [8].

An individual may not make contributions of more than $10,000 in any calendar year to all candidates for state and local offices and to any individuals or political committees required to register who support or oppose those candidates, including political party committees [9].

2. **Candidates.** The contribution limits for individuals do not apply to a candidate who makes contributions to his own campaign from personal funds or property he owns or is owned jointly or as marital property with his spouse [10]. A candidate for state office who receives a grant from the Wisconsin election campaign fund may not make contributions to his own campaign from personal funds or property owned by him or jointly or as marital property with his spouse of more than 200% of the amount an individual is permitted to contribute to the candidate [11].

A candidate for state or local office may accept for the office for which he is a candidate during any primary and election campaign (1) combined from all political committees, including political party committees--not more than 65% of the value of the total authorized disbursement level (see Section III-B) or (2) combined from all political committees other than political party committees--not more than 45% of the value of the total authorized disbursement level [12].

3. **Political Committees Other Than Political Party Committees.** A political committee other than a political party committee may not make contributions to a candidate for any of the following specified offices and to any individual or political committee acting solely in support of the candidate or solely in opposition to his opponent of more than the following amounts per candidate: (a) candidate for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent or justice--4% of the value of the authorized disbursement level (see Section III-B); (b) candidate for state senator--$1,000 (no limit for legislative campaign committee); (c) candidate for representative to the assembly--$500 (no limit for legislative campaign committee); (d) candidate for court of appeals judge, except in a jurisdiction over 500,000--$1,600; (e) in any jurisdiction or district with a population of 500,000 or more, candidate for the county office of county executive--$6,250, district attorney--$3,750, and county supervisor, $400; (f) candidate for court of appeals judge, circuit judge, or any other countywide elective office--$2,500; (g) candidate in a city of the 1st class for the office of mayor--$6,250, city attorney--$3,750, alderman--$400, or any other citywide office--$2,500; and (h) candidate for circuit judge (except in a jurisdiction over 500,000) or local office--an amount equal to the greater of $200, 3/4 of 1¢ times the number of inhabitants of the jurisdiction or district, or 1% of the annual salary of the office sought [13].

No political committee, other than a political party committee, is permitted to make any contributions, directly or indirectly, to a political party of more than $6,000 in a calendar year [14].

4. **Political Parties.** A political party may not receive more than $75,000 in value of its contributions in any calendar year from all other political committees, excluding transfers between committees of the party, or more than $6,000 in value of its contributions in any calendar year from any specific committee or its subunits or affiliates, excluding political party committees [15].

5. **Wisconsin Election Campaign Fund.** Contributions received from the Wisconsin election campaign fund are not subject to the maximum contribution limitations, except those limitations based on the disbursement level for candidate acceptance of political committee contributions [16].

C. **Contributions and Disbursements Through Candidates or Other Registrants.** No contribution may be made or received and no disbursement may be made or obligation incurred by a person or political committee, except within the amounts authorized, in support of or in opposition to any specific candidate or candidates in an election other than through the campaign treasurer of the candidate or the candidate's opponent or by or through a registered individual or political committee that has filed a statement under oath for independent candidate-related disbursements [17].

D. **Corporations, Associations and Separate Segregated Funds.** A foreign or domestic corporation or Chapter 185 association may not make a contribution or disbursement, directly or indirectly, either independently or through a political party, committee, group, candidate or individual for any purpose other than to promote or defeat a referendum; however, it may publish periodicals in the regular course of its affairs to advise members, shareholders, or subscribers of the disadvantages or advantages to their interests of the election to office of persons espousing certain measures and communicate with them with respect to its endorsements of candidates, positions on a referendum, or an explanation of its views and interests [18]. A political party, committee, group, candidate, or individual may not accept any prohibited contribution or disbursement made to or on behalf of the individual or entity [19].

A corporation or voluntary association, as well as a cooperative, may not solicit contributions from persons who are not members, shareholders, or subscribers to be used for the purpose of communicating with its members, shareholders, or subscribers with respect to endorsements of candidates, positions on a referendum, or explanation of its views or interests [20].

A foreign or domestic corporation or an association may establish and administer a separate segregated fund and solicit contributions from individuals to the fund for use by the corporation or association for the purpose of supporting or opposing any candidate for state or local office, but the corporation or association may not make any contribution to the fund or expend more than $500 annually for the solicitation of contributions to the fund. The fund must appoint a treasurer and register as a political committee, although a parent corporation or association engaging solely in this activity is not subject to registration [21].

E. Contributions From the Resources and in the Name of the Actual Contributor. No person may make, directly or indirectly, any contribution other than from funds or property belonging to the contributor, and no person may furnish, directly or indirectly, funds or property to another person for the purpose of making a contribution in other than his own name. No person may intentionally accept or receive any contribution made in violation of these requirements [22].

F. Contributions in Violation of Law. No person may intentionally accept or receive any contribution made in violation of the campaign financing law [23].

G. Special Privileges From Public Utility. A public utility and anyone connected with the utility may not offer or give any special privilege to any candidate for public office, any political committee, any individual making independent disbursements, or any third party at the request of or for the advantage of any of them, and a candidate, political committee, or individual making independent disbursements may not ask for or accept any special privilege from any public utility [24].

H. Contributions From Unregistered Nonresidents. A campaign treasurer or individual who knowingly receives a contribution made by an unregistered nonresident, political committee, political group, or individual may not use or expend the contribution, but must immediately return it to the source or, at his option, donate the contribution to a charitable organization or the common school fund [25].

I. Anonymous Contributions. Any anonymous contribution exceeding $10 received by a campaign, political committee, or political group treasurer or by an individual making independent disbursements may not be used or expended and must be donated to the common school fund or a charitable organization at the option of the treasurer [26].

J. Cash Contributions. Every contribution of money exceeding $50 must be made by negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. A treasurer may not accept a contribution made in violation of this requirement and must promptly return the contribution or donate it to the common school fund or a charitable organization in the event the donor cannot be identified [27].

K. Earmarking of Contributions. The treasurer of a personal campaign committee may agree with a prospective contributor that a contribution is received for use for a specific purpose not prohibited by law; however, the purpose may not include a disbursement in support of or in opposition to another candidate or the transfer to an individual or political committee acting in support of or in opposition to another candidate. When a contribution is made to a political party or to an individual or committee other than a candidate or the candidate's personal campaign committee, the purpose may not be specified except where a pre-campaign committee is established for adoption by a candidate as his personal campaign committee. Except for transfers of membership-related monies between political committees of the same political party, no political committee may act as a conduit for the earmarked contributions of others [28].

L. Solicitation of Contributions From Candidates. No person may demand, solicit, take, invite, or receive from a candidate a payment for a contribution of any thing of value for a religious, charitable, or fraternal cause or for an organization other than a state or county political party committee, and a candidate may not make, intimate, or promise the contribution [29].

M. Solicitation of Government Employees. No person may solicit or receive from any state or political subdivision officer or employee any contribution or service for any political purpose during the established hours of employment or while the officer or employee is on engaged in his official duties; however, an elected state official may solicit and receive services not constituting a contribution from a state officer or employee with respect to a referendum [30].

N. Use of State Property. An elected state officer may not use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material, other than answers to constituent questions, after the first day for circulation of nomination papers as a candidate for national, state, or local office until after the election or after the primary election if the person is not nominated [31]. State-owned vehicles or aircraft may not be used primarily for the purpose of campaigning in support of or in opposition to any candidate unless a fee comparable to the commercial market rate is paid [32].

O. Solicitation in State and Local Government Buildings. Every person who has charge or control in a building, office, or room occupied for any purpose by the state or any political subdivision must prohibit the entry of any person into the building, office, or room for the purpose of making or receiving a contribution. No person may enter or remain in a building, office, or room occupied for any purpose by the state or any political subdivision or send or direct a letter or other notice thereto for the purpose of reuesting or collecting contributions [33].

III. EXPENDITURE LIMITATIONS

A. Definition of Disbursement. A "disbursement" is (1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a commercial lending institution made in accordance with applicable laws and regulations in the ordinary course of business) made for political purposes; (2) a transfer of personalty, including campaign materials and supplies, valued at the replacement cost at the time of transfer; and (3) a contract, promise, or agreement, if legally enforceable, to make a disbursement for any political purpose [34].

The term "disbursement" does not include any of the following: (1) the use of real or personal property and the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for a political purpose if no funds are raised with the knowledge of the host; (2) any unreimbursed payment for travel expenses made by an individual who on his own behalf volunteers the individual's personal services for political purposes; (3) the costs of preparation and transmission of personal correspondence not reproduced by machine for distribution; (4) compensation or fringe benefits provided as a result of employment by an employer to regular employees or pensioners who are not compensated specifically for services performed for a political purpose and not in excess of that provided to others of like status; and (5) the reuse of surplus materials or utilization of unused surplus materials not exceeding $400 in value in the aggregate at the time of original receipt that were acquired in connection with a previous campaign for or against the same candidate, candidates, party, or referendum in connection with which the materials are used and that are used by the same registrant previously acquiring the materials and previously reported by that registrant as a disbursement [35].

B. Authorized Disbursement Levels. A schedule of authorized disbursement levels has been established to provide a basis for computing the maximum amount of contributions that a candidate may accept from political committees and to set the maximum amount of disbursements that a state office candidate who receives an election campaign fund grant may make during a campaign [36]. The disbursement schedule is subject to a biennial cost-of-living adjustment by the state elections board [37].

The authorized levels of disbursements in effect through April 30, 1986, are as follows: (1) candidate for governor--$302,025 in the primary and $704,725 in the election; (2) candidate for lieutenant governor--$201,350 in the primary and $100,675 in the election; (3) candidate for attorney general--$251,700 in the primary and $251,700 in the election; (4) candidate for secretary of state, state treasurer, justice of the supreme court, and state superintendent of public instruction--$80,550 in the primary and $120,800 in the election; (5) candidate for court of appeals judge--$30,200 in the primary and $50,350 in the election; (6) candidate for state senator--$32,275 total in the primary and election, with disbursements not exceeding $20,125 for either the primary or the election; (7) candidate for representative to the assembly--$16,100 total in the primary and election, with disbursements not exceeding $10,075 for either the primary or the election; (8) candidate for circuit judge--$80,550; (9) in any jurisdiction or district (other than a judicial district or circuit) with a population of 500,000 or more, candidate for the office of county executive--$251,700, district attorney--151,000, county supervisor--$16,100, and other countywide offices--$100,675; (10) in a city of the 1st class, candidate for the office of mayor--$251,700, city attorney--$151,000, alderman--$16,100, and any other citywide office--$100,675; and (11) candidate for any local office who is elected from a jurisdiction or district with less than 500,000 inhabitants--an amount equal to the greater of $1,000, 50.33% of the annual salary (rounded to the nearest $25), or 30.2¢ per inhabitant (rounded to the nearest $25), but in no event more than $40,275 [38].

C. Disbursements for Lawful Purpose. A registered individual, political committee, or political group may make disbursements for any lawful political purpose [39]. No person, political committee, or political group may intentionally receive or accept anything of value or any promise or pledge thereof constituting a disbursement made or obligation incurred for political purposes contrary to law or make or authorize a disbursement or the incurrence of an obligation from monies solicited for political purposes for a purpose that is other than political, except as specifically authorized by law [40].

D. Corporate or Association Communications. A corporation, cooperative, or voluntary association, other than a political party or personal campaign committee, may make disbursements for the purpose of communicating only with its members, shareholders, or subscribers, to the exclusion of all other persons, with respect to endorsements of candidates, positions on a referendum, or explanation of its views or interests without reporting the activity; however, the communications medium used must be restricted solely to members, shareholders, or subscribers [41].

E. Disbursements in the Actual Name of the Disbursing Person. No disbursement may be made or obligation incurred anonymously, and no contribution or disbursement may be made or obligation incurred in a fictitious name or by one person or organization in the name of another for any political purpose [42].

F. Maximum Disbursements by State Office Candidate. A candidate for a state office who receives a grant from the Wisconsin election campaign fund may not make or authorize total disbursements from the campaign treasury in any campaign of more than the amounts specified in the disbursement level schedule [43]. A "campaign" extends from the July 1st before the spring primary or election or January 1st before the September primary or general election for the office sought or from the date of public announcement of a candidacy, whichever is earlier, through the last day of the month following the month of an election or primary [44].

The limitations on authorized disbursements apply equally to all candidates for the same office regardless of whether a candidate is opposed at a primary or election, and if all certified candidates of political parties for an office have no opponent in the primary or no primary is required for all candidates of parties for an office, the separate limitations for disbursements during the primary and election period do not apply to candidates for that office, and the candidates are bound only by the total limitations specified for the primary and election [45]. A candidate who disburses less than the authorized level in the primary may not reallocate the balance to increase the level in the election, but when a separate disbursement level is not specified for an election and primary, a candidate may reallocate disbursements in any proportion desired and may carry over unexpended contributions from a primary campaign to an election campaign [46].

G. Disbursements by Negotiable Instrument. Every disbursement made by a registered individual or treasurer from the campaign depository must be made by negotiable instrument [47].

H. Disbursements by Campaign Treasurer. No disbursement may be made or obligation incurred by a candidate or by any other person or committee in support of or in opposition to a candidate, other than an individual or committee that has registered and filed an oath concerning independent disbursements, except by the campaign treasurer of the candidate or other agent designated by the candidate [48].

IV. REPORTING REQUIREMENTS

A. General Provisions

1. Application of the Campaign Finance Law. The campaign finance law, including the registration and reporting requirements, does not apply, subject to specific exceptions, to (1) any candidate for national office acting exclusively in support of the candidate's own campaign with respect to those activities only or (2) any individual or committee acting exclusively in support of or in opposition to candidates for national office or other individuals and committees exclusively supporting or opposing candidates for national office. The registration and reporting requirements of the law do not apply to elections for the positions of presidential elector, convention delegate, and party committeeman [49].

2. Reporting Exemptions. A person, political committee, or political group, other than a committee or individual required to file an oath, a candidate or personal campaign committee of a candidate for statewide or legislative office, or a political party committee, that does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount over $500 in a calendar year and does not anticipate accepting any contributions from a single source exceeding $100 in that year, by indicating such on its verified registration statement, is not subject to any filing requirement if the statement is true. The registrant will again be subject to the filing requirements when the indication is revoked, when aggregate contributions, disbursements, or obligations for the calendar year exceed $500, or when the registrant accepts any contributions exceeding $100 from a single source during that year, whichever is earlier [50].

A political party committee that does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount over $1,000 in a calendar year and does not anticipate accepting any contributions from a single source exceeding $100 in that year, by indicating so on its verified registration statement, is not subject to any filing requirements if the statement is true. The registrant will again be subject to the filing requirements when the indication is revoked, when the contributions, disbursements, or obligations for the calendar year exceed $1,000, or when the registrant accepts any contributions exceeding $100 from a single source during that year, whichever is earlier [51].

3. Filing Officers. Each person, political committee, and political group required to register has one filing officer, except where the filing of duplicate reports is required [52].

The state elections board is the filing officer for (1) political party committees; (2) each candidate for state office and each political committee or individual that is acting in support of or in opposition to any candidate for state office; (3) each political committee or individual that is acting in support of or in opposition to any candidates for both state and local offices; and (4) each political group or individual that is acting in support of or in opposition to a statewide referendum. The filing officer for each candidate for local office and each political committee or individual that is acting in support of or in opposition to any candidate for local office, but not a candidate for state office, is the clerk of the most populous jurisdiction for which any candidate supported or opposed seeks office. The filing officer for each political group or individual that is acting in support of or in opposition to any local referendum, but not any statewide referendum, is the clerk of the most populous jurisdiction in which a referendum being supported or opposed is conducted. If the jurisdiction is a school district, the appropriate filing officer is the city clerk in the case of a city school district election and the school district clerk in the case of any other school district election [53].

If a registrant whose filing officer is the state elections board makes disbursements in connection with elections for offices or referenda that affect only one county or a portion of one county, the registrant must also file a duplicate original of each financial report with the county clerk or county board of election commissioners, unless the registrant is a candidate for state senator, representative to the assembly, court of appeals judge, or circuit judge; a candidate's personal campaign committee for one of those offices; a political party committee; or a political committee supporting or opposing one of the candidates [54].

B. Registration Statement

1. General Provisions. Candidates and personal campaign committees, political committees, political groups, and individuals are required to file verified registration statements with the appropriate filing officer if they meet minimum criteria concerning contributions, disbursements, and obligations and are not otherwise exempted from filing [55].

A candidate must register no later than the time he becomes a candidate, and the candidate and his agents may not accept any contribution unless the candidate is registered [56]. A political committee, political group, or individual, other than a candidate or his agent, must register no later than the 5th business day after receipt of the first contribution and before making any disbursement. No contributions exceeding $25 in the aggregate during a calendar year may be accepted unless the committee, group, or individual is registered, except within the initial 5-day period [57]. A person, committee, or group subject to the registration requirement may not make any contribution or disbursement from property or funds received before the date of registration [58].

An individual or organization that receives property or funds intended for political purposes and transfers the property or funds to another individual or organization while acting solely as a conduit and without exercising discretion as to the amount transferred and to whom the transfer is made is not required to register; however, the original transferor is deemed to be the contributor and the ultimate transferee is deemed the recipient [59]. If an individual makes only those disbursements and incurs only those obligations that are exempted from reporting or if a committee or group makes no contributions and makes only those disbursements and incurs only those obligations that are exempted from reporting, then a registration requirement is not required [60].

If a committee or group not organized exclusively for political purposes makes a contribution from its own property or funds to an affiliated committee or group that is organized exclusively for political purposes and the contributing committee or group receives no contribution from a single source in excess of $20 in the aggregate during any calendar year, makes no contributions or disbursements, and incurs no obligations other than to make the transactions specified, then the registration requirement does not apply to the contributing committee or group [61].

Each registration statement must include the following information, where applicable: (1) the name and mailing address of the registrant; (2) in the case of a committee, a statement as to whether the committee is a personal campaign committee, a political party committee, a legislative campaign committee, or a special interest committee; (3) the area, scope, or jurisdiction of the registrant; (4) the name and mailing address of the campaign treasurer and any other custodian of books and accounts; (5) the name, mailing address, and position of other principal officers, including officers and members of the finance committee, if any; (6) a statement as to whether the registrant will be supporting or opposing any candidate or any other registrant or proposed registrant who will be supporting or opposing any candidate at any primary or election, and, if so, which primary and which election; (7) the name, mailing address, office sought, and party affiliation, if any, of each candidate supported or opposed, if known, and if a committee or individual is supporting the entire ticket of any political party, the name of the party; (8) the nature of any referendum supported or opposed; (9) a statement whether the committee or group is a continuing one; (10) the name and address of the campaign depository and of any other institution where funds are kept and the account number of the accounts and safety deposit boxes; and (11) in the case of a labor organization or separate segregated fund created by a labor organization, a statement as to whether the organization is incorporated and, if so, the date of incorporation and whether or not the incorporation is under Chapter 181 [62].

2. Political Committees and Political Groups. Every political party committee, political committee other than a personal campaign committee, and political group that makes or accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of $25 must file a registration statement. A personal campaign committee registers in conjunction with the candidate [63].

A "political committee" or "committee" is any person other than an individual and any combination of two or more persons, permanent or temporary, that makes or accepts contributions or makes disbursements for political purposes, whether or not engaged in activities that are exclusively political, except that a political committee does not include a political group [64]. A "political group" or "group" is any person other than an individual and any combination of two or more persons, permanent or temporary, that makes or accepts contributions or makes disbursements for the purpose of influencing the outcome of any referendum, whether or not engaged in activities that are exclusively political [65].

Every committee or group must appoint a treasurer. No disbursement may be made or obligation incurred by or on behalf of a committee or group without the authorization of the treasurer or designated agents [66]. All funds received by the committee or group treasurer must be deposited in a separate campaign depository, which must be established no later than the 5th business day after the committee becomes subject to registration and before making a disbursement [67].

3. Candidates and Personal Campaign Committees. Every candidate must file a registration statement. If a candidate appoints another person as campaign treasurer, the candidate's registration statement must be cosigned by both [68]. A personal campaign committee registers in conjunction with the candidate [69].

A "candidate" is a person for whom it is contemplated or desired that votes be cast at any election held within the state, other than an election for national office, whether or not the person is elected or nominated, and who either tacitly or expressly consents to be so considered [70]. A "personal campaign committee" is a committee that is formed or operates for the purpose of influencing the election or re-election of a candidate, acts with the cooperation of or upon consultation with the candidate or the candidate's agent, or operates in concert with or pursuant to the authorization, request, or suggestion of the candidate or the candidate's agent [71].

Each candidate must appoint one campaign treasurer, who may be the candidate or any other elector, and designate one campaign depository within 5 business days after the candidate receives his first contribution and before the candidate makes or authorizes any disbursement in behalf of his candidacy [72]. No candidate may establish more than one personal campaign committee; however, the committee may have subcommittees if the candidate's campaign treasurer is the treasurer of all subcommittees. The treasurer must depoisit all funds received in the campaign depository [73].

4. Individuals. Every individual, other than a candidate or agent of a candidate, who accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of $25 must file a registration statement [74]. A husband and wife acting jointly for political purposes are considered an "individual" rather than a "committee" [75].

Every individual is deemed his own treasurer [76]. All funds received by the individual must be deposited in a separate campaign depository, which must be established no later than the 5th business day after the committee becomes subject to registration and before making a disbursement [77].

C. Statement Under Oath for Independent Candidate-Related Disbursements. A committee, other than a personal campaign committee, and an individual, other than a candidate, that is required to file a registration statement and desires to make disbursements over $25 during any calendar year to be used to advocate the election or defeat of any clearly identified candidate must first file with its registration statement a statement under oath affirming that it does not act in cooperation, consultation, or concert with or at the request or suggestion of any candidate, agent, or authorized committee of a supported or opposed candidate [78].

D. **Designation of an Agent by Non-Resident Committees, Groups, and Individuals.** Every non-resident political committee or group making contributions and every non-resident individual, committee, or group making disbursements exceeding $25 cumulatively in a calendar year must file its name and mailing and street address and the name and mailing and street address of a designated agent within the state with the secretary of state [79].

E. **Financial Reports.** Each registrant unless exempted must make full reports of all contributions received, contributions or disbursements made, and obligations incurred [80]. The first report commences no later than the date the first contribution is received and accepted or first disbursement is made [81]. Financial reports must be filed until a termination report is filed unless the registrant is otherwise exempted [82].

Each report must contain the following information, covering the period since the last date covered on the previous report: (1) an itemized statement giving the date, full name, and street address of each contributor of more than an aggregate of $20 for the calendar year, together with the amount of such contribution, and the cumulative total for the calendar year; (2) the occupation and name and address of the principal place of business of each contributor of over $100 cumulatively for the calendar year; (3) the name and address of each registrant from which a transfer of funds was received or to which a transfer of funds was made, together with the date and amount of such transfer, and the cumulative total for the calendar year; (4) an itemized statement of other income in excess of $20, including interest, returns on investments, rebates, and refunds received; (5) an itemized statement of contributions over $20 from a single source returned to donor or donated, with donor or donee information; (6) an itemized statement of each loan of money made by a commercial lending institution in an aggregate amount or value in excess of $20 that is not reported as a contribution, with lender, endorser, and loan information; (7) an itemized statement of every disbursement exceeding $20 in amount or value, with recipient name, date, and purpose; (8) an itemized statement of every obligation exceeding $20 in amount or value, with the name of the person or business with whom the obligation was incurred, date, and purpose; (9) a statement of totals during the reporting period of contributions received and disbursements made, including transfers; (10) in the case of a committee or individual filing an oath concerning independent candidate-related disbursements, a separate schedule showing for each disbursement that is made independently of a candidate other than a contribution made to that candidate, the name of the candidates on whose behalf or in opposition to whom the disbursement is made, indicating whether the purpose is support or opposition; (11) a statement of the balance of obligations incurred; (12) a statement of cumulative totals for the calendar year of contributions made, contributions received, and disbursements made, including transfers of funds made or received; and (13) a statement of the cash balance on hand at the beginning and end of the reporting period [83].

Financial reports are required to be submitted as follows, with certain exceptions [84]:

(1) Primary and Election Reports. Pre-primary reports are to be filed by (1) a candidate and personal campaign committee of a candidate at a primary, (2) a registered political committee or individual, other than a candidate or personal campaign committee, making or accepting contributions, making disbursements, or incurring obligations in support of or in opposition to one or more candidates for office at a primary or supporting or opposing other political committees or individuals who are engaging in such activities (3) every committee of a political party (for every September primary), and (4) a registered political group or individual making or accepting contributions, making disbursements, or incurring obligations in support or in opposition to a referendum appearing on a primary ballot [85].

Pre-election reports are required to be filed by (1) a candidate or personal campaign committee of a candidate at a primary or election, (2) a registered political committee or individual, other than a personal campaign committee, making or accepting contributions, making disbursements, or incurring obligations in support of or in opposition to one or more candidates for office at a primary or election or supporting or opposing other political committees or individuals who are engaging in such activities, (3) every committee of a political party (for every general election), and (4) a registered political group or individual making or accepting contributions, making disbursements, or incurring obligations in support of or in opposition to a referendum appearing on a primary or election ballot [86].

A contribution, disbursement, or obligation in support of or in opposition to a candidate at a primary or election is considered to be made, accepted, or incurred in support or opposition, regardless of whether the candidate is opposed, (1) at the primary if the financial activity occurred during the pre-primary reporting period and (2) at an election if it occurred during the pre-election reporting period [87].

Except for a candidate, personal campaign committee, or political committee, a registrant that makes, accepts, or incurs a contribution, disbursement, or obligation in support of or in opposition to a candidate is not required to file financial reports in the following situations:

(1) If the financial activity was in support of or in opposition to a candidate at a primary during the period covered by a pre-election report, but the registrant did not engage in such activity during the period covered by a pre-primary report, the registrant is not required to file a pre-primary report [88].

(2) If the financial activity was in support of or in opposition to a candidate during a period covered by a continuing report that follows a pre-election report, but the registrant did not engage in such activity during the period covered by a pre-election report, the registrant is not required to file a pre-election report [89].

If no disbursement was made for the purpose of influencing the outcome of a primary or election in a form other than a contribution that is reported by the recipient (i.e., only contributions reported by others were made), compliance with the financial reporting requirements is not required by the following registrants:

(1) In a special primary election, by a political committee or political group that is not formed exclusively to influence the outcome of such special primary or election [90].

(2) In a partisan primary and election, by a personal campaign committee that is not formed to support or oppose a candidate in such non-partisan primary or election [91].

(3) In a non-partisan primary and election, by a personal campaign committee that is not formed to support or oppose a candidate in such non-partisan primary or election [92].

Financial reports must be received by the appropriate filing officer according to the following schedule; however, if the filing deadline is a non-business day, the report may be filed on the next business day thereafter:

(1) A pre-primary report must be received no earlier than 14 days and no later than 8 days preceding the primary and include all contributions received and transactions made as of the end of the 15th day preceding the primary [93].

(2) A pre-election report must be received no earlier than 14 days and no later than 8 days preceding the election and include all contributions received and transactions made as of the end of the 15th day preceding the election [94].

(3) In the case of a recall effort, a report is due no later than 30 days after the registration of the petitioner for the recall of an officer if the petition has not been filed within three days of that date and no later than 5 days after the petition is filed. This report is to include all contributions received and transactions made as of the end of 5 days preceding the deadline for filing the report [95].

(4) Reports by qualifying non-resident organizations and individuals who elect to file a copy of each report submitted under the federal election campaign act in lieu of the regular financial reports are due no later than the dates prescribed for filing such reports with the federal election commission and must cover the period required under the federal election campaign act [96].

A financial report is considered to be "received" by the filing officer (1) on the date it is actually received at the office of the filing officer or (2) on the date shown by a postal service cancellation mark on the envelope containing the report if it was deposited with the U.S. postal service by first-class mail with sufficient prepaid postage and addressed to the filing officer [97].

2. Continuing Reports. Continuing financial reports are required to be filed semi-annually by political committees or individuals supporting or opposing candidates (including committees of a political party) and by political groups or individuals supporting or opposing a referendum until a termination report is filed, unless otherwise exempted. A continuing report must be received by the appropriate filing officer no earlier than January 1st and no later than January 31st and include all contributions received and transactions made as of the end of December 31st. A second continuing report must be received no earlier than July 1st and no later than July 10th and include all contributions received and transactions made as of the end of June 30th [98].

E. Report of Large Late Contributions. If any contribution of more than $500 cumulatively is received by a candidate for state office or by a political committee from a single contributor later than 15 days prior to a primary or election but cannot be included in the pre-primary or pre-election report, the treasurer of the committee or the individual receiving such contribution must inform the appropriate filing officer within 24 hours of receipt [99].

V. POST-ELECTION REQUIREMENTS

A. Termination Report. Whenever any registrant disbands or determines that obligations will no longer be incurred, contributions received, or disbursements made during a calendar year and the registrant has no outstanding incurred obligations, the registrant must file a termination report with the appropriate filing officer [100]. A candidate or personal campaign committee may not file a termination report covering any period ending sooner than the date of the election in which the candidate or committee is participating [101].

A termination report must indicate a cash balance of zero at the end of the reporting period and the disposition of residual funds. Residual funds may be used for any political purpose not prohibited by law, returned to the donors in an amount not exceeding the original contributions, or donated to a charitable organization or the common school fund. The report must also contain the information required for other financial reports [102].

B. Suspension Report. A registrant that determines that obligations will no longer be incurred, contributions made or received, or disbursements made during a calendar year in an aggregate amount of more than $500 may file a suspension report with the appropriate filing officer. Upon receipt of a properly executed report, the registrant will be granted a suspension of the requirement to file financial reports [103]. A candidate or personal campaign campaign committee may not file a suspension report covering any period ending sooner than the date of the election in which the candidate or committee is participating [104]. If unanticipated contributions are received and accepted within 60 days of the filing of a termination report, the registrant must file an amended termination report [105]. A termination report must contain the information required for other financial reports [106].

VI. PUBLIC FINANCING PROVISIONS

A. Election Campaign Fund. Public financing from the Wisconsin election campaign fund is provided to eligible, qualifying state-level candidates in spring, general, and special elections [107]. The fund consists of moneys appropriated to the fund, including moneys derived from $1 income tax designations made by taxpaying individuals, together with unexpended or unencumbered candidate grants that revert to the state. The moneys in the fund not disbursed by the state continue to accumulate indefinitely [108].

With respect to a spring or general election, the following individuals may apply for a grant from the Wisconsin election campaign fund: (1) a certified candidate for supreme court justice or state superintendent of public instruction, a certified candidate for a state office (i.e., governor, lieutenant governor, attorney general, state treasurer, secretary of state, state senator, and assembly representative) who received at least 6% of the vote cast at the September primary for all candidates on all ballots for the state office for which the individual is a candidate, and (3) an individual lawfully appointed and certified to replace any state-level office candidate at a spring or general election [109].

With respect to a special election, the following individuals may apply for a grant: (1) a certified candidate for supreme court justice or state superintendent of public instruction, (2) a certified candidate for state office on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6% of the vote cast for all candidates on all ballots for the office, (3) an individual lawfully appointed and certified to replace a state-level office candidate on the ballot at a special election, and (4) an individual who received at least 6% of the vote cast for all candidates on all ballots for a state office (e.g., governor, lieutenant governor, etc.) at a partisan special election [110].

The application for a grant must be filed by the deadline for filing nomination papers, the 7th day after the primary or the date on which a primary would be held if required in the case of write-in candidates, or the 7th day after appointment in the case of candidates appointed to fill vacancies and contain a sworn statement that the candidate and his agents have complied with the prescribed contribution and disbursement limitations at all times and will continue to comply with the limitations [111].

The application must be approved if (1) the application is timely; (2) the candidate is certified to appear on the spring or general election ballot or a special election ballot; (3) the candidate has a certified opponent for the same office; (4) the financial statements filed at the time of the primary indicate that his sworn statement is true; and (5) the financial reports filed as of the primary indicate that the candidate has received a minimum percentage of the amount of his authorized disbursement limitation from contributions, other than loans, that have been received from individuals between July 1st and the spring primary date (non-partisan candidates), January 1st and the September primary (partisan candidates), and 90 days preceding a special election and the date of the special election (special election candidates). Not more than $100 of the aggregate amount of contributions from each individual may be counted toward the required minimum percentage, which is 5% for candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, and supreme court justice, and 10% for other candidates [112].

All monies appropriated to the fund are apportioned annually on August 15th to a superintendency account (8%), a supreme court account (8%), and a partisan campaign account (84%); 75% of the partisan campaign account is allocated to a legislative campaign account and 25% to an executive campaign account. The legislative and executive campaign accounts are further apportioned to accounts for specific offices. The monies are then apportioned among all eligible candidates for the same office in the state [113].

The total grants available to an eligible candidate in an election may not exceed that amount that, when added to all other contributions from other than individuals and political party committees, equals 45% of the authorized disbursement level for the particular office [114].

The grants may be expended only for the purchase of service from a communications medium or printer and for office supplies and postage [115]. A grant may not be used in any primary. No person may expend, authorize the expenditure of, or incur any obligation to expend a grant (1) for any purpose other than to advance the candidacy of the grantee by lawful means, (2) for a purpose that has not been authorized, (3) after the date of the election, or (4) in violation of a pledge to adhere to the applicable contribution and disbursement limitations [116].

A candidate who accepts a grant from the election campaign fund agrees that he and his agents will comply with the prescribed contribution and disbursement limitations; however, a candidate for a partisan office is not bound to adhere to these limitations if his opponent received at least 6% of the votes in the September primary or special partisan primary and does not receive or accept a grant from the fund [117]. Grants from the fund are property of the state until disbursed or encumbered for a lawful purpose, and all grants and private contributions unspent or unencumbered on the day after the election revert to the state for deposit in the fund [118].

VII. TAX PROVISIONS

A. Taxpayer Designation. Every individual filing an income tax statement may designate $1 for the Wisconsin election campaign fund for the use of eligible state-level office candidates in a spring, general, or special election. If the taxpayer attempts to place any condition or restriction upon a designation, he is deemed to have refused any such designation for his tax. The secretary of revenue is required to provide a place for such designations on the face of the income tax return. The secretary of revenue is to certify annually on August 15th to the state elections board, the department of administration, and the state treasurer the total amount of taxpayer designations during the preceding fiscal year [119].

VIII. OFFENSES AND PENALTIES

A. Civil Penalties. Any person, political committee, or political group that violates the campaign financing law may be required to forfeit not more than $500 for each violation and treble the amount of a contribution that is illegally contributed. In addition, a person, committee, or group that is delinquent in filing a required report may be required to forfeit not more than $50 or 1% of the annual salary of the office for which the candidate is being supported or opposed, whichever is greater, for each day of delinquency [120].

Any elector may file a verified petition with the state elections board, the appropriate district attorney, or both where the authority is concurrent, requesting that civil action be brought against any person, political committee, or political group and alleging facts within the knowledge of the petitioner that show probable cause that a violation has occurred [121].

B. Injunctive Relief. Any elector may sue for injunctive relief to compel compliance with the campaign financing law; however, before commencing an action concerning a state office or statewide referendum, the elector must file a verified complaint with the state board of elections alleging such facts as are within his knowledge to show probable cause to believe that a violation has occurred or is proposed to occur. If the board fails to commence an action within 10 days of the filing, the elector may commence an action [122].

C. Criminal Penalties. Whoever intentionally violates the registration requirements, non-resident filing requirements, the prohibition against acceptance of contributions from unregistered non-residents, the requirements concerning designation of campaign treasurers, the requirement to report large contributions before a primary or election, or the requirement for contributions to be made from the funds and property of and in the name of the actual contributor may be fined not more than $10,000, imprisoned not more than 3 years, or both. Whoever intentionally violates the prohibition against making or accepting unlawful disbursements, the limitations on the maximum contribution amounts, the prohibition against filing false reports, the prohibition of anonymous disbursements, or the restriction on corporate contributions and disbursements where the intentional violation does not involve a specific figure or where the intentional violation concerns a figure that exceeds $100 may be fined not more than $10,000, imprisoned not more than 3 years, or both. Whoever intentionally violates any other provision of the campaign financing law and whoever intentionally violates any provision listed in the preceding sentence where the intentional violation concerns a specific figure not exceeding $100 may be fined not more than $1,000, imprisoned not more than 6 months, or both [123].

D. Forfeiture of Office. If a successful candidate for public office, other than a candidate for the legislature, is found guilty in a criminal action of a violation of the campaign financing law or a prohibited election practice committed during his candidacy, the court must enter a supplemental judgment declaring a forfeiture of the candidate's right to office. If a successful candidate for the legislature is adjudged guilty, the court must certify its findings to the presiding officer of the house of the legislature to which the candidate was elected [124].

IX. REGULATORY AGENCIES

A. State Elections Board. It is the duty of the state elections board to (1) prescribe and furnish forms for making required reports, statements, and notices; (2) furnish by mail to each registrant the prescribed forms for making reports and statements not later than 14 days before the applicable filing deadline; (3) prepare, publish, and furnish each person required to file reports and statements with a manual setting forth simply and concisely recommended uniform methods of bookkeeping and reporting; (4) serve as the filing officer for designated registrants; (5) determine whether each required financial report or statement has been filed in the form and by the time prescribed by law and whether it conforms on its face to the requirements of the campaign financing law; (6) prepare, publish, and periodically revise, as necessary, a manual simply and concisely describing the filing and registration requirements and other provisions of the campaign financing law and prohibited election practices; and (7) inform each candidate who files an application for a grant from the Wisconsin election campaign fund of the of the dollar amount of the current disbursement limitation applicable to the office for which the person is a candidate [125].

B. Local Filing Officers. It is the duty of the appropriate local filing officer to (1) furnish the state board-provided reporting forms, manuals and election laws to election officials and the general public; (2) furnish to each registrant the prescribed forms for making reports and statements; (3) notify the district attorney, or the attorney general where appropriate, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing that may be grounds for civil action or criminal prosecution; (4) no earlier than 10 days and no later than 7 days prior to each reporting date for financial reports, send to every candidate for local office and every committee, group, or individual registered with his office notice of the reports required, the place and the deadline for filing, and the penalties for neglecting to file a report; and (5) determine whether each financial report or statement required to be filed has been filed in the form and by the time prescribed by law and whether it conforms on its face to the requirements of the law [126].

REFERENCES

1. Wisconsin Statutes (hereafter WS) § 11.01(6)(a)
2. WS § 11.01(16)
3. WS § 11.01(6)(b)
4. WS § 11.01(6)(c)
5. WS § 11.26(1)-(10), (14)
6. WS § 11.26(11)
7. WS § 11.26(1)
8. WS § 11.26(3)
9. WS § 11.26(4)
10. WS § 11.26(5)
11. WS § 11.26(10)
12. WS § 11.26(9)
13. WS §§ 11.26(2); 11.265
14. WS § 11.26(8)(c)
15. WS § 11.26(8)(a), (b)
16. WS § 11.26(13)
17. WS § 11.12(1)(a)
18. WS §§ 11.38(1)(a), (2)(b); 11.29(1)
19. WS § 11.38(1)(b)
20. WS § 11.29(1)
21. WS § 11.38(1)(a)
22. WS § 11.24(1)
23. WS § 11.24(2)
24. WS § 11.40(2), (3)
25. WS § 11.07(5)
26. WS §§ 11.12(2); 11.23(2)
27. WS § 11.16(2)
28. WS § 11.16(4)
29. WS § 11.34(1)
30. WS § 11.36(1), (2)
31. WS § 11.33
32. WS § 11.37
33. WS § 11.36(3), (4)
34. WS § 11.01(7)(a)
35. WS § 11.01(7)(b)
36. WS §§ 11.31(1), (2); 11.26(9)
37. WS § 11.31(9)
38. WS § 11.31(1); Administrative Rules of the State Elections Board (hereafter AR) § 1.44(2)
39. WS § 11.06(6)
40. WS § 11.25(1), (2)(a)
41. WS § 11.29(1)
42. WS § 11.30(1)
43. WS § 11.31(2); AR § 1.44(1)
44. WS § 11.31(7)
45. WS § 11.31(2), (3m)
46. WS § 11.31(4)
47. WS § 11.16(3)
48. WS § 11.16(1)
49. WS § 11.03

50. WS § 11.05(2r)(a)
51. WS § 11.05(2r)(b)
52. WS § 11.02
53. WS §§ 11.02; 11.20(1); 11.08
54. WS § 11.09(1)-(3)
55. WS §§ 11.05(1)-(2r), (4); 11.23(1)
56. WS § 11.05(12)(a)
57. WS § 11.05(12)(b)
58. WS § 11.05(6)
59. WS § 11.05(9)
60. WS § 11.05(11)
61. WS § 11.05(8)
62. WS § 11.05(3)
63. WS §§ 11.05(1); 11.23(1)
64. WS § 11.01(4)
65. WS § 11.01(1[illegible])
66. WS §§ 11.10(5); 11.23(1)
67. WS §§ 11.14(1); 11.23(1)
68. WS §§ 11.05(2g); 11.10(1)
69. WS § 11.05(1), (2g)
70. WS § 11.01(1)
71. WS § 11.01(15)
72. WS §§ 11.10(1); 11.14(1)
73. WS § 11.10(4)
74. WS §§ 11.05(1); 11.23(1)
75. WS § 11.05(10)
76. WS § 11.10(3)
77. WS § 11.14(1)
78. WS § 11.06(7)
79. WS § 11.07(1)
80. WS § 11.06(1)
81. WS § 11.06(5)
82. WS § 11.07(1)
83. WS § 11.06(1)
84. WS §§ 11.12(4) 11.20(3)-(5r), (12);
    11.19(1)
85. WS § 11.20(3)(a), (c), (e), (k)
86. WS § 11.20(3)(a)-(e), (h), (k), (l)
87. WS § 11.20(3)(f), (g)
88. WS § 11.20(3)(i)
89. WS § 11.20(3)(j)
90. WS § 11.20(5)
91. WS § 11.20(5g)
92. WS § 11.20(5r)
93. WS § 11.20(8)(a)
94. WS § 11.20(8)(a)
95. WS § 11.20(8)(d)
96. WS § 11.20(6)
97. WS § 11.20(10)
98. WS §§ 11.06(1); 11.20(4), (8), (9)
99. WS § 11.12(5)
100. WS § 11.19(1)
101. WS § 11.19(3)
102. WS § 11.19(1)
103. WS § 11.19(2)
104. WS § 11.19(3)
105. WS § 11.19(4)
106. WS § 11.19(2)
107. WS § 11.50(1), (2)
108. WS §§ 25.42; 71.095(1)
109. WS § 11.50(1)(a)(1)
110. WS § 11.50(1)(a)(2)
111. WS § 11.50(2)(a)
112. WS § 11.50(2)(b)
113. WS § 11.50(3), (4)
114. WS § 11.50(9)
115. WS § 11.50(7)
116. WS § 11.50(11)
117. WS § 11.50(2)(g), (i)
118. WS § 11.50(8)
119. [illegible]
120. [illegible] 11.60(1)-(3)
121. WS § 11.60(5)
122. WS § 11.66
123. WS § 11.61(1)
124. WS § 11.61(3)
125. WS § 11.21
126. WS § 11.22

CAMPAIGN FINANCE LAW
IN WYOMING

I. INTRODUCTION

Wyoming does not permit individuals other than candidates to make contributions of more than $1,000 to a candidate or the candidate's campaign committee during the two-year period including the general election year and the previous year. Total political contributions by an individual during the two-year period are limited to $25,000. Non-political organizations are prohibited from making contributions except to promote the success or defeat of an initiative or referendum petition drive or ballot proposition. Candidates, candidates' campaign committees, political action committees, and political party state and county central committees are required to file post-election statements of contributions and expenditures. The secretary of state is the chief election officer for the state.

II. SOLICITATION AND CONTRIBUTION LIMITATIONS

A. Limitations on Contributions by a Natural Person. During the two-year period consisting of a general election year and the preceding calendar year, a natural person, other than the candidate and the candidate's immediate family, may not contribute, directly or indirectly, to any candidate for political office or any candidate's campaign committee more than $1,000 and may not make more than $25,000 total political contributions. A contribution to a candidate's campaign committee is considered to be a contribution to the candidate. These maximum contribution restrictions are expressly made inapplicable to contributions by political parties or expenditures by a candidate from the candidate's own funds or from the candidate's campaign committee funds [1].

A candidate for political office is prohibited from accepting, directly or indirectly, contributions that violate the maximum two-year limitations on contributions by natural persons [2].

B. Prohibition of Candidate-Related and Political Party-Related Contributions by an Organization. No organization of any kind, including a corporation, partnership, trade union, professional association, or civic, fraternal, or religious group, but excluding a political party, political action committee, or candidate's campaign committee, is permitted, directly or indirectly through any officer, member, director, or employee, to contribute funds, other items of value, or election assistance to aid, promote, or prevent the nomination or election of any candidate or to aid or promote the interests, success, or defeat of any political party. A person may not solicit or receive a payment or contribution from an organization prohibited from making contributions [3].

C. Contributions by a Natural Person, Political Party, Political Action Committee, or Candidate's Campaign Committee. Only a natural person, political party, political action committee, or candidate's campaign committee may contribute funds or election assistance in order to aid, promote, or prevent the nomination or election of any candidate or in order to aid or promote the interests, success, or defeat of any political party. No person may solicit or receive a political payment or contribution from any source other than a natural person, political party, political action committee, or candidate's campaign committee [4].

D. Use of Intimidation to Solicit Contributions. It is unlawful to knowingly and willfully solicit the contribution of funds, other items of value, or election assistance to the campaign of any candidate by the use of threats of physical violence or any form of economic or official retaliation [5].

E. Acceptance or Expenditure of Money Without Candidate Approval. It is unlawful to accept or expend any money or incur any obligation on behalf of any candidate for nomination or election to office without the candidate's prior written approval [6].

III. EXPENDITURE LIMITATIONS

A. Internal Communications by an Organization. Any organization, in the aid of the election or defeat of candidates for public office or for the adoption or defeat of any ballot proposition, may communicate directly with its own members on behalf of a particular candidate or political party [7].

B. Political Party Expenditures During a Primary Election. No political party funds may be expended, directly or indirectly, in the aid of the nomination of any one person as against another person of the same political party running in the primary election [8].

IV. REPORTING REQUIREMENTS

A. Statement of Formation of a Candidate's Campaign Committee and a Political Action Committee. A candidate's campaign committee and a political action committee must file a statement of formation when a committee is formed, whether before an election to aid in the campaign or after an election to defray campaign debts incurred [9].

A "candidate's campaign committee" is every group of two or more persons who join together for the purpose of raising, collecting, or expending money to be used in the aid of the election of a specific candidate for public office [10].

A "political action committee" is any group of two or more persons organized under the campaign practices law, which requires a political action committee to file a statement of formation when it is formed, and associated for the purpose of raising, collecting, or spending money for use in the aid of the election or defeat of candidates for public office, for support of or opposition to any initiative or referendum petition drive, or for the adoption or defeat of any ballot proposition [11].

The statement of formation must list the name and mailing address of the committee, the name and residence address of the committee chairman and treasurer, who must be separate individuals, the date the committee was formed, and the purpose of the committee [12]. If more than one committee has been formed to support the candidate, the candidate must designate which committee is his principal campaign committee [13].

As the committee determines specific candidates whom it will support, the committee must file amendments to the statement of formation listing the name of each candidate, office sought, and party affiliation; however, the secretary of state has waived the requirement to file amended statements of formation in the case of political action committees, because the names of candidates and contribution amounts must be fully itemized in the statement of receipts and expenditures filed by a political action committee after primary and general elections [14].

A statement of formation must be filed by a committee within 10 days after formation with the same officers with whom statements of receipts and expenditures are required to be filed [15].

B. Statement of Receipts and Expenditures

1. General Provisions. A candidate, a candidate's campaign committee, a political action committee, the chairman of a political party state or county central committee, and an organization supporting an initiative or referendum petition drive or ballot proposition must file fully itemized statements of receipts and expenditures with the appropriate filing officer [16].

All required statements are to be filed as follows:

(1) A candidate for a municipal, county, judicial, hospital, or school or college board office and a political action committee or candidate's campaign committee supporting such a candidate files with the county clerk.

(2) A candidate for a state legislative or district judgeship office and any political action committee or candidate's campaign committee supporting such a candidate files with the secretary of state and county clerk.

(3) A candidate for statewide office files with the secretary of state.

(4) A county party central committee files with the secretary of state and county clerk.

(5) A state party central committee files with the secretary of state [17].

The state election code does not specify with which offices a political action committee formed for the support or opposition to an initiative or referendum petition drive, an organization supporting or opposing a petition drive, or an organization supporting or opposing a ballot proposition is to file the required statements of receipts and expenditures.

2. Candidate. A candidate, whether successful or not, must file under oath a fully itemized statement of receipt and expenditures within 10 days after a primary, general, or special election [18].

The statement must set forth the full and complete record of receipts, including cash, goods, or services, and of actual and promised expenditures, including all identifiable expenses. "Identifiable expenses" that must be reported include all forms of advertising expenses, including radio, television, billboards, and posters; printing expenses; expenses for retaining the services of a professional campaign consultant or public relations or management firm; and postage. Staff and postage expenses of a political party central committee, checking account service charges of a political action committee, and a candidate's personal campaign expenses for travel and meals and checking account service charges are not identifiable expenses [19]. Advertising expenses by a party central committee are not identifiable expenses for the candidate if the entire slate of candidates below the national level is advertised by the committee, even though all candidates are not included in each advertisement, as long as the expenses for each candidate on the slate are substantially the same in any election [20].

The date of each receipt, expenditure, or obligation, the name of the person from whom received or to whom paid, and the purpose of each expenditure or obligation must be listed. Receipts, expenditures, and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee, or by a political party central committee need not be itemized in a candidate's statement except by total with a reference to the statement [21].

3. Political Action Committee and Candidate's Campaign Committee. A political action committee and a candidate's campaign committee must file a fully itemized statement of receipts and expenditures under oath by both the chairman and treasurer, regardless of when the committee is formed, and continue to file itemized statements until all debts are retired. Upon retirement of all debts, the committee terminates [22].

The statement must set forth the full and complete record of receipts, including cash, goods, or services, and of actual and promised expenditures. The date of each receipt, expenditure, or obligation, the name of the person from whom received or to whom paid, and the purpose of each expenditure or obligation must be listed. If the receipts, expenditures, or obligations were for more than one candidate, the amounts attributable to each must be itemized separately. The committee must furnish a copy of the statement to any candidate for whom money was received, paid, or obligated [23].

A committee formed before any primary, general, or special election must file a statement within 14 days after the election with the appropriate filing officers. A committee formed after an election to defray campaign expenses incurred during a previous election must file an itemized statement of receipts and expenditures on July 1st and December 31st of each odd-numbered year and continue to make the reports until all debts are paid [24].

A political action committee formed for the support of or opposition to any initiative or referendum petition drive must file an itemized statement of receipts and expenditures within 14 days after the petition is submitted to the secretary of state [25].

4. Political Party Central Committee. The chairman of each political party central committee for the state or a county or an officer of the party designated by him must file an itemized statement of receipts, expenditures, and obligations within 7 days after a general or special election. The statement must report all receipts, expenditures, and obligations relating to campaign expenses, including normal operating expenses. A statement is to attribute all campaign receipts, expenses, and obligations to a specific candidate only if the receipts, expenses, and obligations can be specifically identified with that specific candidate to the exclusion of other candidates on the ticket. A copy of the statement must be furnished to each candidate identified in the statement within 7 days after the the general or special election [26].

5. Organization. Any organization supporting or opposing an initiative or referendum petition drive must file an itemized statement of receipts and expenditures within 14 days after the petition is submitted to the secretary of state. Any organization supporting or opposing a ballot proposition must file an itemized statement within 14 days after the election [27].

V. OFFENSES AND PENALTIES

A. Civil Penalty for Violation of the Contribution Requirements. A corporation, person, or organization that violates the campaign practices provisions concerning contribution prohibitions and limitations is subject to a civil penalty of up to $10,000 and costs. An action to impose the civil penalty may be prosecuted by and in the name of a candidate adversely affected by the transgression, a political party, a county and prosecuting attorney, or the attorney general [28].

B. Criminal Penalties. Any person violating the campaign practices law is guilty of a misdemeanor and must be imprisoned not more than 6 months in the county jail, fined not more than $1,000, or both [29].

A candidate who fails to file a full and complete itemized statement of receipts and expenditures within the time required or who violates the contribution provisions of the campaign practices law is guilty of a misdemeanor [30].

A person who knowingly and willfully accepts or expends money or incurs an obligation on behalf of a candidate for nomination or election to office without the candidate's prior written approval commits a misdemeanor offense punishable by not more than 6 months in a county jail, a fine of not more than $1,000, or both [31].

The knowingly and willful solicitation of funds, other items of value, or election assistance to the campaign of a candidate by the use of threats of physical violence or any form of economic or official retaliation (intimidation) is a felony offense punishable by not more than 5 years' imprisonment in the state penitentiary, a fine of not more than $10,000, or both [32].

C. Election-Related Penalties. A candidate who fails to file a full and complete itemized statement of receipts and expenditures within the time required or who violates the contribution provisions of the campaign practices law, in addition to being guilty of a missemeanor, may not receive a certificate of nomination or election nor may he enter upon the duties of the office [33].

D. Voter Complaint. Any qualified elector aggrieved by any violation of the state election code may make complaint of the violation to the secretary of state or to the county and prosecuting attorney for the county in which the elector resides. If the secretary of state or the county and prosecuting attorney fails or refuses for any reason to take action on or to prosecute the complaint, the elector may file the complaint with the attorney general. If the attorney general finds that the complaint has merit, he may prosecute the complaint in the appropriate courts [34].

VI. REGULATORY AGENCIES

A. Secretary of State. The secretary of state is the chief election officer for the state and must maintain uniformity in the application and operation of the state election laws [35]. The secretary of state prescribes and furnishes the forms for reporting receipts and expenditures for primary, general, and special election campaigns, together with written instructions for completing the form and a warning that violators are subject to criminal charges and that a vacancy will exist if the forms are not completed and filed pursuant to law. The forms, along with the instructions and warning, must be distributed to the county clerks [36]. The secretary of state is required to report the names of all candidates in violation of the election code to the attorney general or to the district attorney for appropriate action [37].

A statement of receipts and expenditures must be filed with the secretary of state by certain candidates and political organizations: (1) a candidate for a state legislative or district judgeship office and a political action committee and candidate's campaign committee supporting the candidate; (2) a candidate for statewide office; (3) and a political party state or county central committee [38].

B. County Clerk. The county clerk is the chief election offficer for the county [39]. The forms for reporting receipts and expenditures, instructions, and warning provided by the secretary of state must be given by the county clerk to each person filing an application for nomination in his office and to each political action committee and candidate's campaign committee required to file with the county clerk. The county clerk must also distribute the reporting forms to the chairmen of the county party central committees [40].

A statement of receipts and expenditures must be filed with the county clerk by certain local candidates and political organizations: (1) a candidate for a municipal, county, judicial, hospital, or school or college board office and a political action committee or candidate's campaign committee supporting the candidate and (2) a candidate for a state legislative or district judgeship office and a political action committee or candidate's campaign committee supporting the candidate [41].

REFERENCES

1. Wyoming Statutes (hereafter WS) § 22-25-102(c)
2. WS § 22-25-102(c)
3. WS § 22-25-102(a)
4. WS § 22-25-102(b)
5. WS §§ 22-26-101(a); 22-26-111
6. WS § 22-26-112(a)
7. WS § 22-25-102(d)
8. WS § 22-25-104
9. WS §§ 22-25-101(b); 22-23-104
10. WS § 22-25-101(a)(ii)
11. WS § 22-25-101(a)(i)
12. WS § 22-25-101(b)
13. WS § 22-25-101(a)(ii)
14. WS § 22-25-101(b); Secretary of State, Policy Statement, "Political Action Committees--Amended Statements of Formation," May, 1983
15. WS §§ 22-25-101(b); 22-25-106; 22-25-107
16. WS §§ 22-25-106; 22-25-107; 22-23-104
17. WS § 22-25-107
18. WS § 22-25-106(a)
19. WS § 22-25-106(a)
20. WS § 22-25-103
21. WS § 22-25-106(a)
22. WS § 22-26-106(b)
23. WS § 22-25-106(c)
24. WS § 22-25-106(b)
25. WS § 22-25-106(b)
26. WS § 22-25-106(d)
27. WS § 22-25-106(b)
28. WS § 22-25-102(e)
29. WS § 22-25-114
30. WS § 22-25-108
31. WS § 22-26-112
32. WS §§ 22-26-101(a); 22-26-111
33. WS § 22-25-108
34. WS § 22-26-121
35. WS § 22-2-103
36. WS § 22-25-105
37. WS § 22-25-109
38. WS § 22-25-107
39. WS § 22-2-103
40. WS § 22-25-105
41. WS § 22-25-107

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